

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A No. 060/00250/2014 ... Date of decision -20.03.2014

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. RAJWANT SANDHU, MEMBER (A)**

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1. Smt. Amandeep Kaur Cheema D/o Sh. Randhir Singh W/o Sh. Harpreet Singh, Fine Arts Mistress, Govt. High School, Sector 50-B, Chandigarh.
2. Sh. Naresh Kumar S/o Sh. Roshan Lal, Punjabi Teacher, Govt. Model Senior Secondary School, Sector-8, Chandigarh.
3. Ms. Sneh Lata D/o Sh. Babu Ram Sharma, Social Science Mistress, Govt. Model High School, Sector 38-D, Chandigarh.
4. Mrs. Devinder Kaur D/o Sh. Kirpal Singh, JBT Teacher, Govt. Model, Sr. Sec. School, Sector 56, U.T. Chandigarh.
5. Sh. Dev Anand S/o C.B.Chaudhary, TGT Fine Arts, Govt. Model High School, Sector 41, Badheri, U.T., Chandigarh.
6. Sh. Ankush Mahajan S/o Sh. Desh Raj Gupta, TGT Fine Arts, Govt. Model Senior Secondary School, Sector 22-A, Chandigarh.
7. Smt. Parminder Kaur W/o Sh. Navjeet Singh, Fine Arts/TGT, Govt. Model High School, Sector 39, Chandigarh.
8. Smt. Asha Sharma W/o Sh. Rajinder Kumar Sharma, Social Study (T.G.T), Govt. Model High School, Sector 39, Chandigarh.
9. Smt. Sukhwinder Kaur W/o Sh. Randhir Singh Mann, NTT, Govt. Model High School, Sector 25, Chandigarh.

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10. Smt. Shalu Ghulati D/o Sh. L.L.Ghulati W/o Sh. Suresh Pahuja, TGT Home Science, Govt. High School, Sector 46-C, Chandigarh.
11. Smt. Sonia Bansal D/o Sh. Jog Dhian Bansal, W/o Sh. Hemant Mittal, JBT, Govt. Model Senior Secondary School, Dadu Majra Colony, U.T.Chandigarh.
12. Smt. Anju W/o Sh. Rakesh Bhardwaj, JBT Teacher, Govt. Model High School, Khudda Jassu, U.T,Chandigarh.
13. Smt Raj Kumari D/o Sh. Babu Lal, W/o Sh. Hari Pal, S.S.Mistress, Govt. Model High School, Sector 29, Chandigarh.
14. Smt. Anju Gupta D/o Sh. R.K.Gupta, W/o Sh. Vivek Gupta, TGT Science Mistress (Medical), Govt. Model High School, Sector 28-C, Chandigarh.
15. Smt. Savita Sharma W/o Sh.Om Parkash Sharma, Music Mistress, Govt.High School, Sector 40, Chandigarh.
16. Smt. Pratima Rattan W/o Sh. Jatinder Sharma, PGT Mathematics Lecturer, Govt. Model Senior Secondary School, Sector 40-B, Chandigarh, R/o H.NO. 4, 2nd Cross Street, Customs Colony, Desant Nagar, Chennai-90.
17. Mrs. Monika Goel W/o Sh. Vijay Gupta, JBT, Govt. Model High School, Sector 29-A, Chandigarh, R/o VPO Dappar, Tehsil Dera Bassi, Distt. Mohali.

...APPLICANT

BY ADVOCATE: Sh. Ranjivan Singh.

VERSUS

1. Union of India through Secretary, Department of Education, Govt. of India, North Block, New Delhi.
2. Secretary, Department of Education, Chandigarh Administration, U.T.Secretariat, Sector-9, Chandigarh.

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3. Director Public Instruction (Schools), Chandigarh Administration, U.T.Secretariat Building, Sector -9, Chandigarh.
4. District Education Officer (S), Chandigarh Administration, Vatika School Complex, Sector-19, Chandigarh.

...RESPONDENTS

BY ADVOCATE: Sh. Deepak Agnihotri, counsel for respondent no. 1.
Sh. Aseem Rai, counsel for respondent no. 2 to 4.

ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

By means of the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants have sought the following relief:-

" (i) Directing the respondents to grant the benefits of enhanced salary to the applicants in pursuance to policy circular No. 28/54-IH(7) 2007/774 dated 10.01.2008 (A-3) and Circular No. 28/54-IH(7) 2007/4297 dated 05.03.2009 (A-4) in view of the judgments passed by this Hon'ble Tribunal vide its orders dated 12.04.2012 (A-7) and 13.04.2012 (A-8) upheld by the Hon'ble Punjab & Haryana High Court vide judgment dated 07.01.2013 (A-9) recently followed in O.A No. 248-CH-2013 by the Hon'ble Court vide judgment dated 20.09.2013 (A-10) along with its arrears from the due date along with the interest @ 18% p.a. Since the same has been withheld/not paid in an illegal, arbitrary and discriminatory manner without any justification since the same has been ordered to be granted to the similarly situated contractual teachers (petitioners in different O.As) by way of officer order dated 04.03.2014 passed by respondent no. 3.

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(ii) Any other order/direction as this Hon'ble Tribunal may deem fit under the peculiar facts and circumstance of the case be passed/issued."

2. In support thereof, Sh. Ranjivan Singh, learned counsel for the applicant, submitted that a similar controversy, as raised in the instant O.A., has already been put at rest by this Tribunal in OA No. 798-CH-2011 titled **Rupinderjit Kaur Vs. Union of India & Ors.** decided on 12.04.2012. Against this order, the respondents therein had approached the Hon'ble High Court of Punjab and Haryana for judicial review by filing CWP No. 13 of 2013 which was dismissed on 07.01.2013 (Annexure A-9), affirming the order of this Tribunal. He also submits that following the same, the number of O.As was allowed by this Tribunal in favour of the similarly situated persons. He prays that the applicants herein also deserve to be extended the same benefit as granted in case of Rupinderjit Kaur (supra).

3. Mr. Singh submitted that, thereafter, the applicants no. 1 to 4 served a legal notice dated 06.02.2014 to the departmental authorities for the grant of arrear of the enhanced salaries in view of the O.As decided in favour of the similarly stipulated persons but till date same has not been decided. He states that vide order dated 04.03.2014 passed by the authorities in compliance to order dated 20.09.2013 passed in O.A No 248/CH/2013 etc., the respondents have extended the benefit to the similarly situated persons. Therefore, he prays that present O.A may be disposed of with a direction to the respondents to decide their pending legal notice dated 06.02.2014 in a time bound manner.

4. There is no need to issue any notice to the respondents. However, Sh. Deepak Agnihotri, learned Senior CGSC and Sh. Aseem Rai, Advocate, who are having advance notice, put in


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appearance on behalf of respondent no. 1 and respondents no. 2 to 4, respectively. It is submitted by learned counsel for respondents no. 2 to 4 that since the legal notice issued on behalf of the applicants was served in the month of February, 2014, therefore, the respondents have yet to take view in the matter and in any case as per the rules, the applicants have to wait for atleast 6 months till the respondents decide their case and before that they cannot approach this court, as it would be premature.

5. Considering the submissions made by learned counsel for the respondents coupled with the fact that the legal notice is of dated 06.02.2014, we are not inclined to entertain in the instant O.A at this stage as the case is premature.

6. Let the respondents take a view in the matter in terms of the decision in the case of *Rupinderjit Kaur (supra)*.

7. With the observations as above, this O.A. stands disposed of with no orders as to costs.


(RAJWANT SANDHU)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 20.03.2014

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