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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00278/2014

Decided on: 28.10.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mrs. Rajwant Sandhu, Member (A)**

Manoj Kumar son of Sh. Vishwa Nath, aged 40 years, resident of House No. 3404, Sector 46-C, Chandigarh presently working as Assistant Professor, Chandigarh College of Architecture, Sector 12, Chandigarh.

**.....Applicant
Versus**

1. Administrator, Union Territory, Chandigarh through Advisor to Administrator, UT Secretariat, Sector 9, Chandigarh.
2. Secretary Technical Education, UT Administration, Sector 9, Chandigarh.
3. Principal, Chandigarh College of Architecture, Sector 12, Chandigarh (UT)

.....Respondents

Present: Mr. S.S. Pathania, counsel for the applicant
Mr. Rakesh Verma, counsel for the respondents

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. With the consent of the learned counsel for the parties, the matter is taken up for final disposal.
2. Learned counsel for the applicant submits that this case may be disposed of in terms of decision rendered in the case of **Dr. A.K.**

Sharma Vs. Administrator UT Chandigarh (O.A. No.

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1140/CH/2013) on 23.07.2014 whereby after quashing the identical impugned order, the matter has been referred back to the respondents to consider it afresh in the light of the observations made therein by this Court.

3. Learned counsel for the respondents endorses the statement made by the learned counsel for the applicant.
4. Accordingly, the O.A. is disposed of in terms of decision rendered in the case of A.K. Sharma (supra), the relevant paras whereof are reproduced hereunder:-

"9. When the matter came up for hearing, learned counsel for the applicants reiterated the facts and grounds taken in the OA and stated that the order dated 26.03.2012 (Annexure A-2) had been passed after the approval of the Administrator, U.T. Chandigarh but the order modifying the same passed on 16.01.2013 (Annexure A-1) had been issued on the directions of the Secretary, Technical Education. The Secretary, Technical Education, was not competent to modify the orders passed by the Administrator in the matter. He further stated that in case of the similarly situated persons listed in order dated 12.11.2009 (Annexure A-6), no such order for withdrawal of benefits was passed as had been done in the case of the applicant. Hence the applicant had been treated in a discriminatory manner.

10. Learned counsel for the respondents stated that it had seen that the initial approval of the Administrator related only to allow the deemed date of joining to the applicants from the date when their immediate seniors were appointed and there was no mention in the note dated 06.03.2012 recorded by FS / Secretary, Technical Education and approved by the Administrator regarding other benefits claimed by the applicant viz. increments, pension, gratuity etc. and hence the order dated 26.03.2012 (Annexure A-2) had been wrongly passed and was therefore modified through order dated 16.01.2013 (Annexure A-1). Learned counsel however admitted that in case of some persons of the Education Department benefits of increments, pension, gratuity, GPF, GIS etc were allowed although they were similarly circumstanced to the applicants in these OAs.



11. Learned counsel fairly submitted that the matter probably required to be considered afresh so that uniform treatment was meted out to the similarly circumstanced Lecturers whose appointments were delayed inspite of selection by the UPSC on account of the dispute regarding the OBC Certificates having been submitted from other States.

12. In view of the submissions made by the learned counsel for the respondents order dated 16.01.2013 (Annexure A-1) is quashed and matter is referred for reconsideration to the Chandigarh Administration with the direction that similarly situated employees of the Administration should be treated in a similar manner and such consideration in respect of the applicants in the present OAs may be completed within two months from the date of receipt of a certified copy of this order being served upon the respondents. No costs."

5. The impugned order 23.01.2014(Annexure A-1) is quashed and set aside. The matter is referred for reconsideration to the Chandigarh Administration with a direction that similarly situated employees of the Administration should be treated in a similar manner and such consideration in respect of the applicant herein may be completed within two months from the date of receipt of a certified copy of this order.

6. Disposed of accordingly. No costs.

(RAJWANT SANDHU)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 28.10.2014
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