

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00453/2014

Decided on: 27.05.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. Smt. Anita Devi D/o Mainpal Singh W/o Dharampal Gill, JBT Teacher, Govt. High School, Sector 27-C, Chandigarh, Resident of House No. 3037, Sector 20-D, Chd.
2. Ajay Kumar S/o Sat Parkash, JBT Teacher, Govt. Sr. Sec. School, Sector 45, Chandigarh, Resident of House 135, 1/6 Jain Bag Colony, Sonipat, Hry.

.....Applicants

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.
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

Present: Mr. Dharampal Gill; counsel for the applicant

Order (oral)

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

1. By way of the present O.A., the applicants have sought issuance of direction to the respondents to grant them the benefit of enhanced salary in pursuance to policy circular No. 28/54-IH(7)2007/4891 dated 13.03.2007(A-

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2), circular No. 28/54-IH(7) 2007/774 dated 10.01.2008 (A-3) and Circular No. 38/54-IH(7) 2007/4297 dated 05.03.2009(A-4).

2. In support of his claim, learned counsel for the applicants submits that the similar claim of the similarly situated persons have been allowed by this Tribunal in O.A. No. 798/CH/2011 and O.A. No. 1243/CH/2011. The view taken by this Tribunal has also been upheld by the Jurisdictional High Court by dismissing the CWP filed against the orders of this Tribunal. Following the same ratio, this Tribunal has recently allowed O.A. No. 248/CH/2013 vide order dated 20.09.2013 (Annexure A-10). The learned counsel very fairly submitted that though the Chandigarh Administration has issued a notification for extending the benefits to the similarly situated persons, however, nothing has been granted to the applicants till date. The applicants have served a legal notice dated 04.04.2014 claiming the relevant benefits which is still pending consideration.
3. Learned counsel submits that the applicants will be satisfied if the O.A. is disposed of with a direction to the respondents to consider their claim in the light of the orders aforementioned within a stipulated period.

4. For the order we propose to pass, there is no need to issue notice to the respondents and call for their reply, as the applicants have prayed for the benefit of the judicial orders, which have already been extended to the similarly situated persons. We may record here that no prejudice would be caused to the respondents by non-issuance of notice as the available remedy envisaged under Section 20 of the Administrative Tribunals Act, 1985 has yet not been complied with and sufficient time has passed. It has been held in various judicial pronouncements that once a benefit has been allowed by the Court of Law, it has to be extended by the Administrative Authority to the similarly situated persons without forcing them to approach the Court.
5. In view of the above, the O.A. is disposed of, with a direction to the respondents to consider and take a view on the legal representation aforementioned, in the light of the orders aforementioned. If the applicants are found similarly situated, the relevant benefits be extended to them. The above exercise be carried out within a period of two months.
6. Needless to say that we have not commented upon the merits of the case. Disposal of the O.A. may not be

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considered as a direction for necessary grant of the benefit. It is an endeavour to have the orders from the respondents, which they otherwise find as per law, so that the matter can be decided. If the applicants still feel aggrieved against the final view to be taken by the respondents, they can approach this Court on the grounds which are available to them as per rules and law.

7. No costs.

Uday Kumar Varma
(UDAY KUAMR VARMA)
MEMBER (A)

Sanjeev
(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 27.05.2014

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