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CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.

O.A.No.060/00409/2014

Date of Decision : 09.01.2015

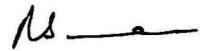
CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER

1. Mangat Rai Munjai, Retired R/o H No.127, Sector 46-A, Chandigarh.
2. Gurcharan Dass Grover, Retired, R/o H.No.3201, Sector 37/D, Chandigarh.
3. Avtar Singh, Retired, R/o H.No.815, Sector 38-B, Chandigarh.
4. Balwinder Singh, Retired, H.No. 2562, Phase 7, Mohali, Punjab.
5. Jit Ram, Retired, R/o H.No.1198, Phase 5, Mohali, Punjab.
6. Madhu Chandana, Retired, R/o H.No.426, Sector 12, Panchkula, Haryana.
7. Swaran Kanta, Retired, R/o H.No.3287, PGI Society, Sector 49-D, Chandigarh.
8. Jagjit Kaur, Retired, R/o H.No.544, Phase 2, Mohali, Punjab.
9. Usha Rani, R/o H.No.974, Sector 11, Panchkula, Haryana.
10. M.K. Aggarwal, Retired, R/o 34, Air Force Enclave, Near Krishna Enclave, Regaria Tower, Village Himmatgarh, Dhakola Zirakpur, Punjab.

Applicants

Versus

1. Union of India through Ministry of Health through its Secretary, New Delhi.
2. Post Graduate Institute of Medical Education and Research, through its Director, Sector 12, Chandigarh.



Respondents

Present: Mr. N.S. Jagdeva, counsel for the applicants
Mr. P.K. Khindria, counsel for the respondents

ORDER
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"8 (b) to direct the respondents to fix the pay of the applicants notionally on promotion by taking into account special pay of Rs.30 granted to them in lieu of higher pay scale w.e.f. 01.01.1985 and treat the same as part and parcel of basic pay on the promotional post and to pay them arrears upto the date of superannuation and including re-fixation on the basis of such enhanced pay and their pension may be fixed and revised accordingly as a result of consequential relief."

2. Averment has been made in the OA that the applicants were appointed on the post of Dispensers in the pay scale of Rs.100-200 as per the Punjab Pay pattern. In the State of Punjab, the post of Dispenser was given the pay scale of Rs.75-125, but the applicants were given the higher pay scale than their counterparts working in State of Punjab. At the time of next revision, the pay scales of Dispensers working in Punjab were revised to Rs.140-300 in lieu of pay scale of Rs.75-125 and the pay scale of Rs.200-450 allowed in the table to the employees in the scale from Rs.100-200 to Rs.200-450. However, respondent no.2 had allowed the pay scale of Rs.140-300 to the post of Dispenser in lieu of pay scale of Rs.100-200 instead of granting them the pay scale of Rs.200-450, which was the corresponding pay scale of Rs.100-200. Then the grades were revised and the applicants were granted the scale of Rs.510-940 on

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01.01.1985 and the grade of Rs.680-1120 to applicants no.3 & 5. Therefore, the respondents have granted the applicants pay scale against the scale mentioned to the category of Rs.100-200. The applicants had represented to respondent no.2 against this anomaly of pay scale. After due consideration of representation, the respondent constituted a Standing Finance Committee which after through consideration recommended a special pay of Rs.30 per month to the category of the applicants. However, the applicants no.3 and 5 were granted the pay scale of Rs.680-1120 + Rs.30 as SPL Pay. The rest were drawing the pay scale of Rs. 510-940 + Rs.30 as special pay upto 01.01.1985 in lieu of higher pay scale.

3. The applicants had filed OA No.1631/CH/2013 jointly before the C.A.T., Chandigarh Bench which was disposed of vide order dated 30.12.2013 with direction to the respondents to take a final decision on the pending legal notice dated 28.02.2013. The case of the applicants had however been rejected by a non-speaking order dated 07.04.2014 (Annexure A-1) on the ground that the claim was barred by limitation.

4. In the grounds for relief it has, inter-alia, been stated as follows:-

- i) The relief claimed by the applicants in the legal notice and OA No.1631/CH/2013 was a continuing monetary loss of their income as they get lesser pension due to wrong fixation. The relief claimed by the applicants cannot be denied on the ground of limitation but the arrears can be restricted.

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However, the objections taken by the Department is nothing but a ground for rejection of claim of the applicants.

- ii) While rejecting the claim of the applicants the respondents failed to take into consideration judgment dated 02.09.2011 rendered by this Tribunal in OA No.931/CH/2010 titled "Mohinder Pal Sharma Vs. UOI & PGI etc." copy (Annexure A-5) which has been implemented by the respondents. The respondents have not assigned any reason as to how the claim made by the applicants in the present OA has been different from the claim raised in OA No.931/CH/2010 which has been implemented by the respondents without any rider.

5. Written statement has been filed on behalf of the respondents opposing the claim of the applicants.

6. Arguments were heard in the matter today, when learned counsel for the applicants placed reliance on order dated 02.09.2011 in OA No.931/CH/2010 through which the claim of a similarly placed person Sh. Mahinder Paul Sharma, was allowed by the Tribunal. He stated that this order had been implemented by the respondents and he was seeking similar relief for the applicants in the present OA.

7. Learned counsel for the respondents could not put forth any ground to show that the order dated September 02, 2011 in OA No.931/CH/2010 did not cover the claim made by the applicants in the present OA.

8. Having perused the pleadings of the parties and the content of the order dated 02.09.2011, we are of the considered view that the claim of the applicants is squarely covered by the judgment dated 02.09.2011 in

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OA No.931/CH/2010. Hence, the respondents are directed to reconsider the claim of the applicants in the light of the order dated 02.09.2011 in OA No.931/CH/2010 and revise the pay and pension of the applicants accordingly. Action in this regard may be completed within a period of two months and the arrears due to the applicants on this account may also be released to them within this period. No costs.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh
Dated: 09.01.2015

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