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CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

...
ORIGINAL APPLICATION NO.060/00596/2014
Chandigarh, this the 21st Day of January, 2015

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

...
Gurcharan Singh S/o Sh. Teja Singh, R/o H. No.130, Ward No.4, Near Libra Public School, Lalheri Road, Khanna, District-Ludhiana.

... Applicant

Versus

1. U.O.I. through Secretary to Government of India, Ministry of Home Affairs, New Delhi.
2. Chandigarh Administration through its Finance Secretary, Chandigarh.
3. Divisional Manager, Chandigarh Transport Undertaking and Director Transport, UT, Chandigarh.
4. General Manager, Depot No.III, Chandigarh Transport Undertaking, UT, Chandigarh.

... Respondents

Present: Sh. Amit Kaith, counsel for the applicant.

None for respondent No.1.

Sh. Arvind Moudgil, counsel for respondents No.2 to 4.

ORDER

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

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking mainly the following relief:

"8 (i) To direct the respondents that the pay of the applicant be refixed as per direction of this Tribunal as given in Annexure A-1, A-4 and A-5 and to grant the pay scale of Rs.1350-2400 w.e.f. 01.01.1986 and further to grant the 1st ACP Scale w.e.f. 01.01.1996 and 2nd ACP scale w.e.f. 20.03.2001 as per instructions dated 25.09.1998.

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(ii) To pay the difference of the pay and pensionary benefits after refixation of pay along with interest at the rate of 12% from the date of accrual of the same till it has been paid."

2. Pursuant to the notice, the respondents represented through Sh. Arvind Moudgil have put in appearance and in reply have taken a preliminary objection that the O.A. is not maintainable on account of plural reliefs in view of bar under Rule 10 of C.A.T. (Procedure) Rules, 1987.

3. Considering the above, learned counsel for the applicant submits that the present O.A. may be entertained for grant of pay scale w.e.f. 01.01.1986 in terms of decision of this Court dated 02.01.2013 in O.A. No.350/PB/2012 etc. (Harpal Singh etc. Vs. UOI & Ors.), 23.04.2008 in CWP No.6706-CAT of 2005 (Krishan Lal & Others Vs. C.A.T. Chandigarh Bench & Anr.) and 26.09.2013 in O.A. No.987/CH/2013 (Annexure A-1, A-4 and A-5). Qua ACP, liberty may be granted to him to agitate the same before the appropriate authority or by filing a separate O.A.

4. Learned counsel for the respondents did not dispute the fact that the issue of grant of pay scale w.e.f. 01.01.1986 has already been decided by this Court in judgments relied upon by the applicant. He however submits that since the applicant was not a party in these cases, therefore, his claim was rejected.

5. Considering that the issue herein has already been settled by this case, the applicant cannot be denied the benefit as per ratio laid down

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by this court, merely because he was not a party in those cases. Hence the O.A. is disposed of with a direction to the respondents to consider his case in the light of decisions in O.A. No.350/PB/2012 etc., CWP No.6706-CAT of 2005 and O.A. No.987/CH/2013 (Annexure A-1, A-4 and A-5) and if the applicant's case is found to be covered by the aforesaid decisions, the benefit be released in his favour. Relevant part of the order dated 26.09.2013 in O.A. No.987/CH/2013 is reproduced as under:

"In view of the conceded position that the case in hand is squarely covered by the decision in the case of Krishan Chand (supra), this O.A. is disposed of with a direction to the respondents to consider the case of the applicants for extending to the applicants the benefit in terms of order passed in the case of Krishan Lal & Others (supra) within a period of three months from the date of receipt of a certified copy of this order. Needless to mention that if the applicants are found entitled to the relief claimed, the same be extended to them within a period of one month thereafter. If the ultimate result is not favourable to them, they would be at liberty to challenge the same as per rules and law, if so advised. Needless to mention that we have not expressed any opinion on the merits of the case. The necessary exercise may be carried out within a period of two months from the date of receipt of a certified copy of this order."

6. Needless to say that we have not expressed any opinion.

Rs —
(RAJWANT SANDHU)
MEMBER (A)

JK
(SANJEEV KAUSHIK)
MEMBER (J)

Place: Chandigarh.
Dated: 21.01.2015.

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