

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(CIRCUIT BENCH AT SHIMLA)

...

ORIGINAL APPLICATION NO. 063/00311/2018

Chandigarh, this the 15th day of March, 2018

...

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)

...

Fateh Singh Gosain s/o late Shri Kundan Singh, r/o Agnihotri
Niwas, Set No. 1, 1st Floor, Dev Nagar Kasumpti, Shimla-171009.

....APPLICANT

(Argued by: Shri K.C. Shankhyan, Advocate)

VERSUS

1. Union of India through Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi-110011.
2. Union of India, through Secretary (Finance), Department of Expenditure, North Block, New Delhi-110001.
3. The Director, Directorate of Printing, Ministry of Urban Development 'B' Wing, Nirman Bhawan, New Delhi-110011.
4. The Manager, Government of India Press (Production & Training Centre), Shimla-171004.
5. Pay and Accounts Officer, Ministry of Urban Development, Jam Nagar House, New Delhi-110011.

....RESPONDENTS

(By Advocate: Shri Anshul Bansal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant seeks following reliefs:

“ (i) That the rejection letter dated 22.01.2018 (Ann A-11) may kindly be quashed and set aside and the applicant may kindly be allowed the scale of Rs. 5000-

8000 instead of Rs. 4500-7000 w.e.f. 16.01.1998 on his promotion to the post of Head Clerk (Junior) on the analogy of Annexures A-4 to A-8, with all consequential benefits.

(ii) That the pay and Accounts Officer, Min. of Urban Development, Jam Nagar House New Delhi-110011, may also be directed to release all the benefits accruing to the applicant from the date of his promotion to the post of Head Clerk (Jr), till date accordingly.”

2. Learned counsel for applicant vehemently argued that the impugned order rejecting the claim of applicant for grant of pay scale of Rs. 5000-8000/- w.e.f. 16.1.1998 on his promotion to the post of Head Clerk (Junior) is bad in law as persons junior to him have already been granted the same benefit. He further submitted that while considering his claim for grant of this benefit, the respondents have rejected on the ground that the applicant was not party to the proceeding, therefore, the benefit cannot be extended to him arising out of O.A. No. 911/HP/2012- **Karam Chand Sankhyan Vs. UOI & Ors.** decided on 25.3.2013 (Annexure A-4), which has been upheld by the jurisdictional High Court and implemented by the respondent department. Therefore, he submits that once the same benefit has already been extended to the person junior to him, then the same cannot be denied to the applicant only on the ground that the applicant was not party thereto, as such, he prays that the impugned order be quashed and set aside.

3. Issue notice to respondents.

4. At this stage, Mr. Anshul Bansal, Advocate, present in court, accepts notice on their behalf. He submits that let the respondents be given another chance to reconsider prayer of the applicant for

grant of pay scale in the light of ratio laid down in the case of **Karam Chand Sankhyan (Supra)**.

5. In the backdrop of the matter, we left with no option, but to set aside the impugned order, as while considering the case of the applicant, the respondents have not taken into account the ratio laid down in the relied upon judgment and they have denied him the benefit accruing out of relied upon judgment on the plea that he was not party to the proceedings. Once the law has been settled by the court of law, then while considering cases of similarly placed persons, the department has to consider the ratio laid down in the case of **Karam Chand Sankhyan (supra)**. The respondents cannot force similarly placed person to approach the Court for the same very relief. Therefore, we quash the impugned order and remit back the matter to respondents to reconsider his claim by taking into consideration relied upon judgments. Let the above exercise be completed within a period of 2 months from the date of receipt of certified copy of this order. If the applicant is similarly situated then the benefit extended to his junior be also granted to him otherwise the reasoned order be passed and conveyed to him. Disposal of the O.A. shall not be construed as an opinion on merit of the case.

6. The O.A. is disposed of in limine with the above directions.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 15.03.2018

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