

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/49/2018

...
Date of decision: 16.01.2018

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

...

1. Neelam Kumari Date of Birth 09.05.1986 W/o Arvind Kumar Pal, R/o 1010 B, Sector 28 B, Chandigarh, age 32 years.
2. Hitesh Sharma, Date of Birth 16.05.1986, S/o Tilak Raj Sharma, R/o 55/1, Parvati Enclave, Kharar, Punjab, age 32 years.

(Both petitioners are group 'C'.

... APPLICANTS

VERSUS

1. Chandigarh Administration through Finance Secretary-cum-Secretary Engineering, U.T. Secretariat, Sector-9, Chandigarh.
2. The Chief Engineer, Department of Engineering, U.T. Secretariat, Sector-9, Chandigarh.
3. The Superintending Engineer, Electricity Operations Circle, Sector-9, Chandigarh.
4. Executive Engineer, Electricity OP, Division No.1, Sector 17 E, UT, Chandigarh.

... RESPONDENTS

PRESENT: Mr. J.S. Jaidka, counsel for the applicants.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/64/2018 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed.
2. Present O.A. has been filed wherein applicants seek following relief:

"8 (i) applicant be granted arrears of pay as per the enhanced pay scale of Rs.22300/- as has been envisaged by the letter of the Chandigarh Administration letter dated 07.9.2012 (Annexure A-5)

for the relevant period of time that is 07.09.2012 to 21.06.2013 for applicant No.1 and 07.09.2012 to 15.02.2013 for applicant no.2.”

3. At the very outset, learned counsel for the applicants very fairly submitted that before approaching this Court, applicant no.1 Ms. Neelam Kumari made a representation to the respondents to release arrears of pay on enhanced pay scale w.e.f. 07.09.2012 to 21.06.2013 based upon the judicial pronouncement by the jurisdictional High Court wherein similar issue was decided, copy of which has been appended as Annexure A-6 with the O.A. Despite the settled preposition of law, the respondents have rejected her claim vide impugned order on the plea that she was not a party to the proceedings relied upon by her. Therefore, learned counsel submitted that the impugned order is liable to set aside as while passing the same, the respondents have not considered the ratio laid down by the Hon'ble High Court. With regard to applicant no.2, he submitted that his representation dated 04.08.2017 (Annexure A-8) is still pending. He, therefore, made a statement at the Bar that this matter can be disposed of on the basis of ratio laid down by the jurisdictional High Court in the case of **Ajay Kumar and others vs. Chandigarh Administration and others** CWP No.23377 of 2015 (Annexure A-6).
4. Since respondents have not considered the claim of applicant no.1 in view of the ratio laid down by the Hon'ble High Court in aforesaid case and representation of applicant no.2 is pending unanswered, therefore we dispose of this O.A. in limine with a direction to the respondents to consider their claim in view of ratio laid down by the

High Court in the case of Ajay Kumar (supra). If applicants are similarly situated then the benefit be released in their favour otherwise speaking order be passed within a period of four weeks from the date of receipt of a certified copy of this order. Order so passed be duly communicated to the applicants.

5. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 16.01.2018.
Place: Chandigarh.

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