

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/734/2017

Date of decision: 19.12.2018

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

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1. Bhagwanti wife of Sh. Swaran Singh, aged 62 years, resident of House No.174, Sector 41-A, Chandigarh.
2. Ram Krishan son of Kharayti Ram, aged 60 years, R/o Village Maloya, U.T. Chandigarh.

... APPLICANTS

VERSUS

1. Finance Secretary-cum-Education Secretary, U.T. Secretariat, Sector-9, Chandigarh.
2. Director Public Instructions (DPI), (Schools), Additional Deluxe Buildings, Sector-9, U.T. Chandigarh.

... RESPONDENTS

PRESENT: Sh. D.R. Sharma, counsel for the applicants.
Sh. Rakesh Verma, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of the present O.A., the applicants assails order dated 26.09.2016 (Annexure A-8), whereby their representation for grant of central pay scale based upon judicial pronouncement has been rejected on the ground that they cannot be extended benefit as they were not party to proceedings in the relied upon case.
2. Sh. D.R. Sharma, learned counsel for the applicants submitted that in the written statement, respondents have admitted this fact that without considering ratio in the relied upon judgment, case of the applicants has been rejected only on the ground that they were not a

party to proceedings. He also submitted that as per letter dated 08.07.2016 (Annexure R-6), addressed to Advisor to the Administrator, Chandigarh Administration, Chandigarh by Under Secretary to the Govt. of India, it has been decided to grant benefit of central pay scale to Lab Attendants working under the Chandigarh Administration based upon order in the case of **Kesar Singh and others vs. Chandigarh Administration & Ors.** Learned counsel submitted that since applicants are working as Lab Attendants, therefore, they are also entitled to the indicated benefit in terms of aforesaid letter.

3. Learned counsel for the respondents did not dispute the fact that the said benefit has been extended to Lab Attendants, therefore, he submitted that respondents will also consider case of the applicants.
4. Considering ad-idem between the parties and letter dated 08.7.2016, we dispose of this O.A. and direct the respondents to allow the benefit to the applicants, as has been allowed to similarly situated persons. Since applicants have already retired, therefore, they be granted consequential revised benefits as well. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 19.12.2018.
Place: Chandigarh.

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