

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/348/2018

Date of decision: 17.5.2019

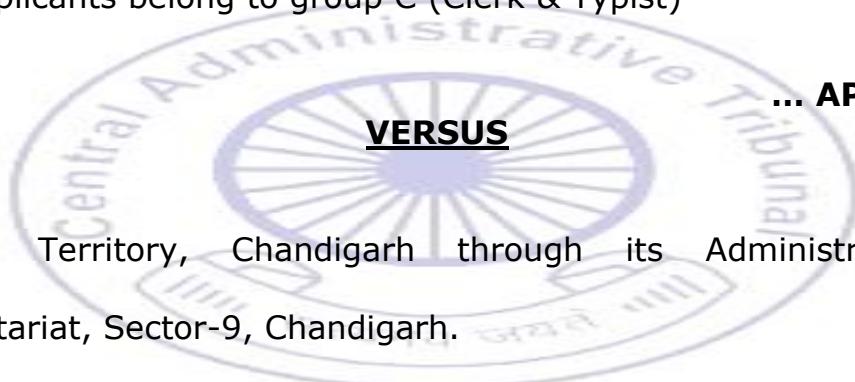
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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1. Amit Sharma son of Meghnath Sharma, aged about 24 years, resident of House No.422, Sector 33A, Chandigarh.
2. Madhur son of Arun Kumar, aged about 27 years, resident of House No.1665, Sector 23B, Chandigarh.
3. Ashish Kaushal son of Mohan Lal Kaushal, aged about 26 years, resident of House No.226, Housing Board Colony, Sector-19, Panchkula.
4. Ketan Bhandari son of Surinder Singh Bhandari, aged about 22 years, resident of House No.256, Krishna Enclave, Dhakoli, Zirakpur, Punjab.
5. Lokesh Kumar son of Anil Kumar, aged about 25 years, resident of House No.3299, Sector 23D, Chandigarh.
6. Sunil Vimal son of Hari Singh, aged about 31 years, resident of House No.434, Gulmohar City, Badala Road, Sector-115, Kharar.
7. Harminder Singh son of Satpal, aged about 26 years, resident of House No.4060, Sector 37C, Chandigarh.
8. Subham Rawat son of Kuldeep Singh Rawat, aged about 24 years, resident of House No.6101, Modern Housing Complex, Manimajra, Chandigarh.
9. Prashant Singh Bisht son of Lakhan Singh, aged about 27 years, resident of House No.2152, Sector 42C, Chandigarh.
10. Suruchi Kohli daughter of Jasbir Singh, aged about 25 years, resident of House No.220, Sector-18, Panchkula.

11. Avinash Kumar son of Hira Lal, aged about 26 years, resident of Chanan Dharamshala, Sector-15, Chandigarh.
12. Hemlata daughter of Daya Ram, aged about 27 years, resident of House No.203, Sector-41A, Chandigarh.
13. Yudhbir son of Satbir, aged about 24 years, resident of House No.3299, Sector 23D, Chandigarh.
14. Gaurav son of Tarsem Chand, aged about 23 years, resident of House No.135, Sector-11, Panchkula.
15. Vijay son of Balram Singh, aged about 23 years, resident of House No.2063A, Sector 24C, Chandigarh.
16. Sudhir son of Gyan Singh, aged about 23 years, resident of Village Sarangpur, Chandigarh.

All applicants belong to group C (Clerk & Typist)



... APPLICANTS

VERSUS

1. Union Territory, Chandigarh through its Administrator, U.T. Secretariat, Sector-9, Chandigarh.
2. Department of Higher Education, Chandigarh Administration, Additional Deluxe Building, Sector-9, Chandigarh through its Secretary.
3. Department of Personnel, Chandigarh Administration, Deluxe Building, Sector-9, Chandigarh, through its Secretary.
4. State of Punjab through its Principal Secretary, Department of Finance, Civil Secretariat, Chandigarh.

... RESPONDENTS

PRESENT: Sh. S.S. Sidhu vice Sh. Gagneshwar Walia, counsel for the applicants.
 Sh. Arvind Moudgil, counsel for respondents no.1 to 3.
 Sh. Rakesh Verma, counsel for respondent No.4.

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J):-**

1. On a joint request made by learned counsel for the parties, this case being a covered matter by decision of the High Court, where action of the respondents in amending rules has been set aside, the matter is taken for hearing.

2. Applicants are aggrieved against order dated 15.1.2015 (Annexure P-4) whereby Punjab Civil Service Rules, Volume-I, Part-I were amended by insertion of Rule 2.20-A and substitution of Rule 4.1, 4.4 and 4.9, which was adopted by Chandigarh Administration vide letter dated 10.7.2015, whereby they have decided that newly recruited employees shall be paid fixed emoluments i.e. minimum pay scale/salary of the pay band without any grade pay and without any annual increments or any other allowance except travelling allowance during the first two years of probation and on confirmation of probation period shall not be counted towards permanent service.

3. Applicants were appointed as Clerk/Steno Typist pursuant to advertisement Annexure P-1 published on 6.10.2015 in the pay scale of Rs.10300-34800+3200 Grade Pay. When they were offered appointment vide order dated 19.9.2016, they were granted above noted grade pay but as per clause 4 of appointment letter, respondents inserted a condition that applicants will be paid the fixed emoluments, which will be minimum of the pay band of the post, during the probation period of 02 years and during the extended period of probation, if any, and no grade pay, annual increment and other allowances, except travelling allowance will be payable. This

was inserted based upon notification dated 15.1.2015, whereby Punjab Civil Service Rules, Volume-I, Part-I were amended by insertion of Rule 2.20-A and substitution of Rule 4.1, 4.4 and 4.9. Pursuant thereto, letter dated 15.1.2015 was issued, which has been adopted by Chandigarh Administration vide letter dated 10.7.2015 (Annexure P-7). Applicants are before this Court for invalidation of the clause 4 of their appointment letter issued by Chandigarh Administration.

4. Heard learned counsel for the parties.
5. Learned counsel appearing on behalf of the applicants vehemently argued that the notification issued by State of Punjab, which has been adopted by Chandigarh Administration has already been held to be illegal and quashed in a number of writ petition against State of Punjab vide decision dated 26.10.2018 leading case being that of Dr. Vishavdeep Singh & Others vs. State of Punjab & Ors. CWP No.6391 of 2016 (O&M). Therefore, he prayed that as a result of the quashing of notification dated 15.1.2015 issued by State of Punjab being in violation of Articles 14 and 16 of Constitution of India, adoption letter dated 10.7.2015 issued by Chandigarh Administration is also liable to be set aside.
6. Respondents though resisted claim of the applicants but they are not in position to cite any law contrary to what has been cited by learned counsel for the applicants.
7. In the wake of above, I am left with no option but to allow this O.A. being a covered by decision in the case of Dr. Vishavdeep Singh & Ors. (supra). In the wake of the fact that notification dated 15.1.2015 issued by State of Punjab amending Civil Service Rules,

Volume-I, Part-I by insertion of Rule 2.20-A and substitution of Rule 4.1, 4.4 and 4.9 has already held to be illegal and quashed, consequently the letter dated 10.7.2015 is also quashed and set aside. Consequential benefits to follow. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)**

Date: 17.5.2019.

Place: Chandigarh.

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