

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00578/2019
Chandigarh, this the 29th day of May, 2019

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

...

1. Renu Jain, aged 29 years, D/o Sh. Naresh Jain, working as Junior auditor, Resident Audit Scheme (RAS), Panjab University, Sector 14, Chandigarh – 160014, Group 'B'
2. Munish Kumar, aged 30 years, S/o Sh. Jaibir Singh, working as Junior Auditor, Resident Audit Scheme (RAS), Panjab University, Sector 14, Chandigarh – 160014.
3. Mohammad Rafi, aged 27 years, S/o Sh. Mahandi Hasan, working as Junior Auditor, Resident Audit Scheme (RAS), Municipal Corporation, Sector 17, Chandigarh – 160017.
4. Chetan Kumar, aged 25 years, S/o Sh. Virender Kumar, working as Junior Auditor, Resident Audit Scheme (RAS), Municipal Corporation, Sector 17, Chandigarh – 160017.

....Applicants

(Present: Mr. Sandeep Siwatch, Advocate)

Versus

1. Union of India through its Secretary to Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi – 110001.
2. Union Territory, Chandigarh through its Advisor to the Administrator, Sector 9, Chandigarh- 160009.
3. Special Secretary Finance-cum-Director, Local Audit Department, Chandigarh Administration, UT Secretariat, Sector 9, Chandigarh – 160009.

.....

Respondents

(Present: Mr. Arvind Moudgil, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00925/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. The solitary prayer of the applicants in this O.A. is to decide their pending representation dated 08.02.2019 whereby they have

claimed payment of salary at par with the regular employees for the probation period and to count the probation period as qualifying service for all intents and purposes, in terms of ratio laid down by the Hon'ble High Court in the case of **Dr. Vishavdeep Singh and Others Vs. State of Punjab and Others** (CWP No.6391/2016 decided on 26.10.2018).

3. Heard learned counsel for the applicants.
4. Learned counsel submitted that the applicants joined the respondent department as Junior Auditor in the year 2015/2016. There was a condition in the appointment letter issued to them that they will be paid wages as per the DC rates for probation period of two years, in terms of Govt. of Punjab, Department of Finance, letter No. 7/204/2012-4F.P1.1049 dated 21.12.2015, as adopted by the Chandigarh Administration vide letter dated 18.01.2016. The applicants, therefore, were paid salary as per DC rates until they successfully completed probation period of two years on 20.12.2018.
5. Learned counsel argued that the action of the respondents in imposing the condition of paying fixed emoluments at DC rates instead of regular pay scale is illegal in view of ratio laid down by the Hon'ble High Court in the case of Vishvadeep Singh (supra), wherein the said condition imposed by the Govt. of Punjab has been held to be illegal and quashed. He also relied upon a decision dated 17.05.2019 of this Court in similar case titled **Amit Sharma and Others Vs. U.T. Chandigarh and Others** (O.A. No. 060/00348/2018) whereby impugned condition has been quashed

and set aside being illegal in view of law laid down by the Hon'ble High Court in the case of Vishvadeep Singh (supra). Learned counsel prayed that the respondents be directed to consider the claim of the applicants in view of ratio laid down by the Hon'ble High Court in the case of Vishavdeep Singh (supra)

6. Issue notice to the respondents.

7. At this stage, Mr. Arvind Moudgil, Advocate, appears and accepts notice on their behalf. He admitted the fact that the impugned condition has been held to be illegal by the Court of law. He submitted that the respondents be granted time to consider their claim in the light of ratio laid down in the case of Vishvadeep Singh (supra) by the Hon'ble High Court and decision of this Court in the case of Amit Sharma (supra), and if the applicants are found similarly situated like the applicants in the relied upon cases, the relevant benefits would be extended to them.

8. In the wake of the above, this O.A. is disposed of, in limine, with a direction to the respondents to examine the case of the applicants in view of observations made hereinabove within a period of two months from the date of receipt of a copy of this order, and if they are found similarly situated like the applicants in the relied upon cases, as mentioned above, the relevant benefits be granted to them within two months thereafter, otherwise a reasoned and speaking order be passed on their claim. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 29.05.2019

'mw'