

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**O.A. No.60/802/2019
M.A. No.60/1207/2019**

... Date of decision: 09.9.2019

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

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1. Jai Kumar S/o Sh. Ashok Kumar, aged about 33 years, R/o 1420, Vikas Nagar, Mauli Jagran, Chandigarh, UT (Group-C Post)-160102.
2. Ikdeep Singh, S/o Sh. Hardeep Singh, aged about 38 years, R/o 729, Phase-2, Urban Estate, Dugri, Ludhiana (Punjab), Pin Code-141001. (Group-C Post).
3. Naveen Kumar, S/o Sh. Guddu Ram, aged about 29 years, R/o 361, Ward No.8, Tohana, Faridabad, (Haryana), Pin-125120 (Group-C Post).

...APPLICANTS

VERSUS

1. The Secretary, Technical Education, U.T. Chandigarh at U.T. Secretariat, Sector-9, Chandigarh-160010.
2. The Director, Technical Education, U.T. Chandigarh at Punjab Engineering College, Sector-12, Chandigarh-160011.
3. Principal, Industrial Training Institute for Women, Sector-11 C, Chandigarh-160011.

...RESPONDENTS

PRESENT: Sh. Vikas Kuthiala, counsel for the applicants.
Sh. Arvind Moudgil, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/1207/2019 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file a joint petition. For the reasons stated therein, the same is allowed and disposed of accordingly.
2. Applicants are before this Court seeking invalidation of the impugned order dated 08.07.2019 (Annexure A-1), whereby their representations have been rejected purported to be in compliance of order dated 12.4.2019 passed by this Court in the case of **Jai Kumar**

and others vs. Technical Education, U.T. and others (O.A. No.60/367/2019).

3. Heard.
4. Learned counsel for the applicants vehemently argued that action of the respondents in not extending benefit, as has been extended to similarly situated persons, is illegal, arbitrary and liable to be set aside. He submitted that respondents have relied upon order dated 30.05.2018 in the case of **Vandana Gupta & Alipa vs. U.T. Chandigarh and Ors.**, where this Court has negated similar plea as raised by the applicants in this petition. Against that order dated 30.05.2018, applicant therein had filed CWP No.32829/2018, wherein the Hon'ble High Court, vide interim order dated 10.12.2018, has directed the respondents that "The petitioner shall not be given break in service as per the judgment of Hon'ble Supreme Court in **Rattan Lal and others vs. State of Haryana and Others**, AIR 1987 (SC) 478". Thus, he submitted that applicants being similarly placed ought to have been granted same benefit instead of negating their plea by relying upon order of this Court, which is under challenge and where interim order has been passed in favour of the petitioner therein. He, therefore, prayed that let this petition be disposed of by granting the same benefit as has been extending by the Hon'ble High Court in the case of Vandana Gupta (supra) and applicants will abide by the final decision to be rendered by the Hon'ble High court.
5. Issue notice.
6. Sh. Arvind Moudgil, Advocate, accepts notice and submitted that respondents will reconsider claim of the applicants in terms of interim order dated 10.12.2018 passed by the Hon'ble High Court in the

indicated petition and if they are found to be similarly placed then they will be granted the same benefit as allowed to the petitioner in that petition subject to final outcome of pending writ petition, otherwise a reasoned and speaking order will be passed, in accordance with law.

7. In view of the above, I deem it appropriate to dispose of this O.A. in limine with a direction to the respondents to reconsider the case of the applicants in the light of what has been noted above and if they are found to be similarly placed then they be given protection as per the interim order dated 10.12.2018 passed by the Hon'ble High Court in the case of Vandana Gupta (supra) and applicants will abide by the final decision to be taken in the writ petition. Ordered accordingly.

No costs.



Date: 09.09.2019.

Place: Chandigarh.

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