

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00992/2019
Chandigarh, this the 19th day of September, 2019

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

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1. Madan Lal s/o Late Sh. Dalip Singh, aged 61 years, r/o House No. 601/3, Adarsh Nagar, Naya Gaon, Mohali (Punjab) – 160103.
2. Chuni Lal, s/o Late Sh. Moti Ram, aged 59 years, working as Trained Graduate Teacher, GMHS, Sector 37, Chandigarh – 160036.
3. Urmila w/o Sh. Inderjit Singh aged 49 years, SLA, GMSS, Sector 46-D, Chandigarh – 160047.
4. Rattan Chand, s/o Sh. Chaudhary Ram, aged 55 years, SLA, GMSS, Khuda Lahora, Chandigarh – 160014.
5. Sohan Singh s/o Late Sh. Chamel Singh, aged 51 years, SLA, GMSSS, Sector 37, Chandigarh – 160036.
6. Shivpreet Kaur, SLA, GMSSS, Sector 37, Chandigarh – 160036.
7. Skinder Singh, s/o Sh. Malkiat Singh, aged 58 years, SLA, GMHS, Sector 22, Chandigarh – 160022.
8. Gulab Singh, s/o Sh. Prem Pal Singh, aged 51 years, SLA, GMSSS, Sector 8, Chandigarh – 160009.
9. Balbir Singh, s/o Sh. Joginder Singh, aged 53 years, SLA, GMSSS, Sector 15-D, Chandigarh.
10. Kulbir Kaur, w/o Sh. Paramjit Singh, aged 50 years, SLA, GHMS, Sector 35-D, Chandigarh – 160035.

(All the applicants are Group 'C')

....Applicants

(Present: Mr. K.B. Sharma, Advocate)

Versus

1. Finance Secretary-cum Education Secretary, U.T. Secretariat, Sector 9, Chandigarh- 160009.
2. Director School Education, (Schools) Additional Deluxe Building, Sector 9, U.T. Chandigarh – 160009.

..... Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/01514/2019 is allowed and the applicants are permitted to join together to file this O.A.

2. Applicants are before this Court with a prayer to grant them interest on the delayed payment of arrears of pay and allowances @ 12% from the date it became due.

3. Heard.

4. Learned counsel submitted that the applicants joined the Chandigarh Administration between 1981 to 1986, as Lab Attendants and they are continuing as such except applicant no. 1 who retired from service on 31.10.2017, on attaining the age of superannuation. The Govt. of India switched over to Centre Pay Scale in respect of U.T. Chandigarh employees, and as such the applicants were granted the pay scale of Rs.950-1400 in Central Pay Scale, as opted by them. Applicants along with others challenged the action of the Chandigarh Administration in placing them in the lower pay scale than what they were entitled to, by filing O.A. NO. 060/00579/198, claiming Pay Scale of Rs.1200-2040 and 1350-2200 w.e.f. 01.01.1986. The O.A. was allowed vide order dated 24.11.1995, which was further upheld up to the Hon'ble Supreme Court and the orders were implemented by granting the relevant Central Pay Scales to the applicants. Further, on the recommendations of 5th Pay Commission, the Central Pay Scale of Rs.1200-2040 and 1350-2200 were revised to Rs.4000-6000 and 4500-7000, but the same were not granted to the applicants on the ground that U.T. employees are entitled to Punjab Pay Scales only. After a long litigation, the applicants succeeded and they were placed in Central Pay Scales, as prayed. Learned counsel submitted that the difference of arrears of pay and allowances for the period 17.03.2008 to 12.07.2016 has been released to the applicants, vide order dated 12.07.2016, but without interest.

5. Learned counsel argued that this Court, vide order dated 17.12.2007 directed the respondents to grant Central Pay Scale to the applicants and the same was upheld by the Hon'ble Supreme Court, vide order dated 16.09.2015, but the respondents released the benefit, on 12.07.2016, after a delay of almost one year, therefore, the applicants are entitled to interest on this amount of arrears of pay and allowances. Learned counsel submitted that before approaching this Court, the applicant served a legal notice dated 13.09.2018 (Annexure A-6), followed by reminder dated 11.06.2019, for grant them interest on the amount of arrears, but the same has not been responded till date. He suffered a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to take a call and decide their legal notice in accordance with law, within a time-frame.

6. Considering the short prayer made by learned counsel for the applicants, there is no need to issue notice to the respondents and call for their reply. In view of the above noted facts, I deem it appropriate to dispose of the O.A., in limine, with a direction to the respondents to take a call and decide the indicated legal notice (Annexure A-6) in accordance with law, by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order. The order so passed be duly communicated to the applicants.

7. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 19.09.2019

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