

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/270/2019

Date of decision: 20.08.2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. A.K. BISHNOI, MEMBER (A).**

...

Kashmir Singh Bharti @ K.S. Bharti son of Late Sh. Gurbhagat age 61 years (Retd. District Sports Officer) resident of House No.185, NFL Enclave, Sector 48-A, Chandigarh. (Group B)-160047.

... APPLICANT

VERSUS

1. Union Territory, Chandigarh through its Administrator, Punjab Raj Bhawan, Sector-6, Chandigarh-160009.
2. The Sports Secretary, Department of Sports, Chandigarh Administration, U.T. Secretariat, Sector-9, Chandigarh-160009.
3. The Director, Sports Department, Chandigarh Administration, U.T. Secretariat, Sector-9, Chandigarh-160009.

... RESPONDENTS

PRESENT: Sh. D.R. Sharma, counsel for the applicant
Sh. Gurbir Singh Sandhu, counsel for the respondents.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Applicant, who is working as Basket Ball Coach in the Sports Department of Chandigarh Administration is before this Court for quashing of order dated 06.2.2019 (Annexure A-18), whereby his request for grant of pay scale of Rs.2200-4000 (pre-revised) based on judgment dated 15.5.2012 of the Hon'ble High Court of Punjab & Haryana in the case of **Harbhajan Singh vs. State of Punjab & Ors.** (CWP No.3948 of 1992) has been rejected by the respondents

on the ground that State of Punjab has not issued any notification in that regard, which can be adopted by the Chandigarh Administration.

2. Heard Sh. D.R. Sharma, learned counsel for the applicant, who submitted that by relying upon judgment in Harbhajan Singh's case (supra), this Tribunal vide order dated 3.1.2017 in the case of **Parminder Pal Singh vs. U.T. Chandigarh** (O.A. No.60/744/2016) decided the case in favour of applicant (therein), who was working as Swimming Coach and respondents have also implemented the same and allowed benefit. He submitted that though applicant is similarly situated, but respondents are not allowing benefit to him on the ground that no notification has been issued by the State of Punjab. He, therefore, prayed that the view taken by the respondents be invalidated and a direction may be issued to them to reconsider case of the applicant in the light of Parminder Pal Singh (supra).
3. Learned counsel for the respondents is not in a position to cite any law contrary to as relied upon by the applicant in the case of Parminder Pal Singh (supra). He submitted that pursuant to judgment in the case of Harbhajan Singh (supra), since no notification has been issued by State of Punjab, which can be adopted by Chandigarh Administration, therefore, case of the applicant has been rejected. However, he admitted that judgment in the case of Parminder Pal Singh (supra) has been implemented.
4. We have heard learned counsel for the parties.
5. Since applicant was working with the Chandigarh Administration, therefore, they cannot take two different stands by allowing benefit in favour of one employee and rejecting in favour of the applicant, who is similarly placed, on the ground that no notification has been issued

in that regard . It is also not disputed that order of this Court in the case Parminder Pal Singh (supra) has attained finality as the same has not been challenged by Chandigarh Administration rather has been implemented.

6. In the wake of the above, we are left with no option but to allow this petition. Consequently, the impugned order is hereby quashed and respondents are directed to reconsider the case of the applicant for grant of benefit in the light of order in the case of Parminder Pal Singh (supra) within a period of two months from the date of receipt a of copy of this order. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 20.08.2019.
Place: Chandigarh.

`KR`

