

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00667/2019
Chandigarh, this the 22nd day of July, 2019

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

1. Belt No. 1450/CP, Santosh W/O Sajan Kumar, Age 43 years, R/o H. No. 2158, Sector 20-C, Chandigarh 160020..
2. Belt No. 2557/CP, Sunita W/O Aman Kumar, Age 48 years, R/o H. No. 2555, Sector 20 Chandigarh 160020.
3. Belt no. 2170/CP, Jaipal S/O Lakhmi Chand, Age 49 years, R/o 277 A, New Police Colony, Sector 26 Chandigarh 160019.
4. Belt No. 1483/CP Paramjeet S/O Mohinder Singh, Age 45 years, R/o H. No. 145, Sector 20 A, Chandigarh 160020.
5. Belt No. 931/CP, Satywan S/o Late Rasi Shab, Age 39 years, R/o H. No. 3312, Sector 51 D Chandigarh 160047.
6. Belt No. 3060/CP, Sanjeev Kumar S/o Late Babu Ram, Age 43 years, H. No. 251, New Police Colony, Sector 26 Chandigarh 160019.
7. Belt No. 1661/CP, Surinder Singh S/o Rattan Singh, Age 42 years, R/o H .No. 243, Shivalik Vihar, Zirkpur, Punjab.
8. Belt No. 1887/CP, Umed Singh S/o Krishan Singh, Age 44 years, R/o H. No. 422 A New Police Colony, Sector 26 Chandigarh 160019.
9. Belt No.1753/CP, Karambir Singh S/o Parthi, Age 45 years, R/o H. No. 28 Bank Colony, Manimajra, Chandigarh.
10. Belt No.1633/CP, Balinder S/o Lt Harkesh, Age 47 years, R/o Police Station Sector 3, Chandigarh..
11. Belt No. 1/CP, Harnek Singh S/o Baldev Singh, Age 42 years, R/o H .No. 50 Ram Vihar, Baltana, Mohali, Punjab 140604.
12. Belt No. 1631/CP, Pawan Kuma S/o Late madan Lal, Age 43 years, R/o 2155, Sector 20 C, Chandigarh 160020.
13. Belt No. 2012/CP, Ramesh Singh S/o Late Om Parkash, Age 43 years, R/o H. No. 331 A, new Police Colony, Sector 26 Chandigarh 160019.

14. Belt No. 1587/CP, Hans Raj S/o Ragbir Singh, Age 46 years, H. No. 364 B, New Police Colony, Secxtor 26 Chandigarh 160019.
15. Belt No. 1914/CP, Yashvir S/o Ram Roop, Age 44 years, R/o H. No. 147 New Police Colony, Sector 26 Chandigarh 160019.
16. Belt No. 1584/CP, Jasbir Singh S/o Darygo Singh, Age 44 years, R/o 366 A, New Police Colony, Sector 26 Chandigarh 160019.
17. Belt No. 2094/CP, Jasbir Singh S/o Palahad Singh, Age 46 years, R/o H. No 166, New Police Colony, Sector 26 Chgandigarh 160019.
18. Belt No. 1563/CP, Joginder Singh S/o Mana Singh, Age 42 years, R/o H. No. 3310/2, Sector 47 C Chandigarh 160047.
19. Belt No. 1618/CP, Raj Singh S/o Surj Mal, Age 45 years, R/o 421 B New Police Colony Sector 26 Chandigarh 160019.
20. Belt No. 157/CP, Pawan Kumar S/o Bhagwan Singh, Age 49 years, R/o H. No. 287 A New Police Colony, Sector 26 Chandigarh 160019.
21. Belt No. 2132/CP, Sat Pal S/o fateh Singh, Age 45 years, R/o 360 A, New Police Colony, Sector 26 Chandigarh 160019.
22. Belt No. 1500/CP, Raj Kumar S/o Ram Saran, Age 43 years, R/o H. No. 1860, Sector 7 C Chandigarh 160019.
23. Belt No. 1678/CP, Manish S/o Gulab Chand, Age 41 years, R/o H. No. 103, Sector 20 A, Chandigarh 160020.
24. Belt No. 142/CP, Naresh Kumar S/o Late Baldev Singh, Age 44 years, R/o H. No. 151 Police Colony, Sector 11 A Chandigarh.
25. Belt No. 311/CP, Navtej Singh S/o Late Harbhajan Singh, Age 43 years, R/o H. No. 272 B, New Police Colony, Sector 26 Chandigarh 160019.
26. Belt No. 2771/CP, Neeraj Thapa s/o Gir Bahadur, Age 44 years, R/o H. No. 108 New Police Colony, Sector 26, Chandigarh 160019.
27. Belt No. 217/CP, Ajesh S/o Late Ram Kishan, Age 49 years, R/o 17 B, Sector 34, Chandigarh 160034.
28. Belt No. 47/CP, Satpal S/o Late Rishal Singh, Age 47 years, R/o 148 B, Police Station, Sector 26, Chandigarh 160019.

29. Belt No. 1473/CP, Rajender S/o Umed Singh, Age 48 years, R/o H. No. 407, New Police Colony, Sector 26 Chandigarh 160019.
 30. Belt No. 1459/CP, Suresh Bakshi s/o Late R. M. Bakshi, Age 47 years, R/o 419 A, New Poloce Colony, Sector 26 Chandigarh 160019.
 31. Belt No. 1686/CP, Sanjay Kumar S/o Sh. Ram Parsad, age 46 years, R/o 1264 Phase 5, Mohali, Punjab 160055.
 32. Belt No. 1150/CP, Rakesh S/O Sh. Balbir Singh, Aged 42 Years, R/O H. No. 700, Manav Colony, Mansadevi, Sector-1, Saketri,134109.
 33. Belt No. 1727/CP, Munni Devi W/o Late Khushi Ram, Age 54 years, R/o H. No. 139 New Police Colony, Sector 26, Chandigarh 160019.
 34. Belt No. 1444/CP Ramandeep Singh S/O Sh. Baldev Singh, Aged 43 years, R/O H. No. 730 , Dashmesh Nagar, Naya Gaon, Mohali 140901.
 35. Belt No. 1479/CP Mukesh S/o Lt. Sh. Zila Singh, Age 46 years, R/o H. No. 2365, Sector 20 C Chandigarh 160030.
- All the applicants are working as Head Constables Group C in Chandigarh Police.

....Applicants

(Present: Mr. Rohit Seth, Advocate)

Versus

1. Union of India, Ministry of Home Affairs through its Secretary, North Block, Central Secretariat, New Delhi.-110049.
2. Union Territory, Chandigarh through its Home Secretary, Department of Home, U.T. Secretariat, Sector 9, Chandigarh-160009
3. Inspector General of Police, Union Territory Chandigarh, Police HQ, Sector 9, Chandigarh-160009.
4. Senior Superintendent of Police, Sector 9, Police Headquarters, U.T. Chandigarh-160009.

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Respondents

(Present: Mr. Arvind Moudgil, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/01044/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. The applicants, who are constables in Chandigarh Police, are before this Court seeking invalidation of order dated 18.01.2019 (Annexure A-1) vide which their request for stepping up of pay at par with their juniors of 2000 batch has been kept pending to await clarification from the concerned quarters.
3. Heard.
4. Learned counsel for the applicants submitted that the applicants were appointed as Constable on different dates during the years 1997 to 1999. It is submitted that some constables who were appointed later than the applicants, in the year 2000, have been granted higher pay, therefore, the applicants submitted a representation to the respondents to remove the anomaly by stepping up their pay at par with their juniors of 2000 batch. However, their case has been kept pending to await clarification, as informed vide letter dated 18.01.2019 (Annexure A-1).
5. Learned counsel submitted that Inspector General Police gave approval for stepping up of pay in cases of 328 constables, and thereafter, 144 constables of 2000 batch, approached this Court with a prayer to grant them similar benefits, which was allowed and a direction was given to the respondents to consider their case for stepping up of pay at par with their junior. In compliance with

the direction of this Court, it is submitted, the relevant benefit has been granted to the constables of 2000 batch, who approached this Court. It is contended that the applicants herein are senior to the constables of 2000 batch and, therefore, they are entitled to stepping up of their pay at par with them.

6. Learned counsel has drawn attention of this Court of a communication dated 21.09.2017 (Annexure A-8) whereby the Direction General of Police, UT Chandigarh has sought a clarification from the Home Secretary, Chandigarh Administration regarding the pay anomaly in question, who, in turn, has responded vide letter dated 27.04.2018 (Annexure A-14), specifying that the HOD is competent to settle the claim in question. He contended that despite a clear order by the Home Secretary to consider the case of the applicants, their representation has been kept pending.

7. Issue notice to the respondents.

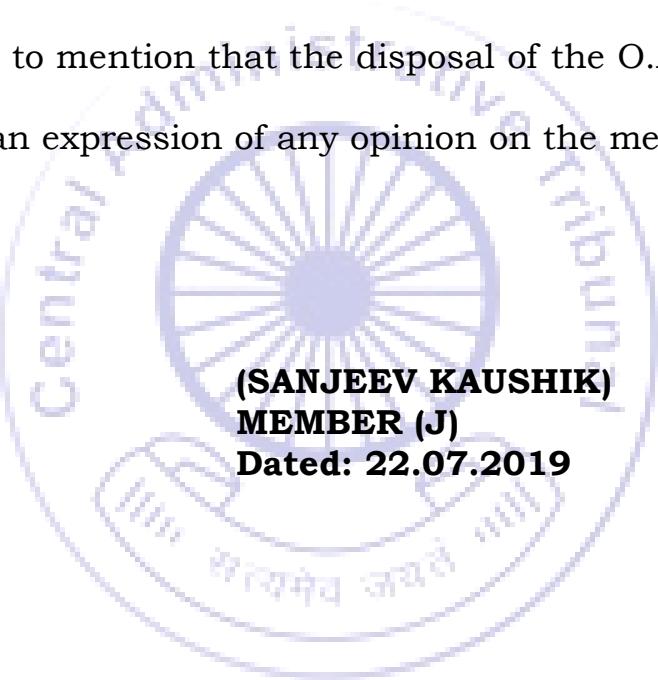
8. Mr. Arvind Moudgil, Advocate, appears and accepts notice. He very fairly submitted that there is no order rejecting the claim of the applicants as the matter has been kept pending, for the simple reason that the respondents have sought clarification. He submitted that the respondents may be granted two months time so that they could ventilate the grievance of the applicants by passing a reasoned and speaking order in terms of letter (Annexure A-14) under reference, coupled with the fact that their juniors have been granted the relevant benefit, and the judicial pronouncement

relied upon by the applicants wherein their juniors have been allowed the benefit.

9. In the wake of consensual agreement, arrived at between the parties, I deem it appropriate to dispose of the O.A., in limine, with a direction to the Director General of Police to look into the grievance of the applicants, in view of the above noted facts and in accordance with law, by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Ordered accordingly.

10. 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.

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.07.2019