

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1356/2018

Date of decision: 03.12.2019

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

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Davinder Singh Saini, aged 42 years, son of Sh. Surjan Singh Saini, presently working as Professor & Head of Department of Electronics and Communication Engineering (Group-A) Post, Chandigarh College of Engineering and Technology (Degree Wing), Sector-26, Chandigarh, resident of H. No.1633, Sector-7C, Chandigarh-160019.

...APPLICANT

VERSUS

1. Chandigarh Administration through its Secretary Technical Education, Chandigarh Administration, Sector-9, Chandigarh-160009.
2. Secretary, Department of Personnel, Chandigarh Administration, Sector-9, Chandigarh-160009.
3. Principal, Chandigarh College of Engineering and Technology (Degree Wing), Sector-26, Chandigarh-160019.
4. Union Public Service Commission (UPSC), Dholpur House, Shahjahan Road, South Block, Man Singh Road Area, New Delhi through its Secretary-110069.

...RESPONDENTS

PRESENT: Sh. Ashish Gupta, counsel for the applicant.
Sh. Gagandeep Singh Chhina, counsel for respondent No.1 to 3.
Sh. B.B. Sharma, counsel for respondent no.4.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 10.7.2018 (Annexure A-1), whereby respondents have reduced his pay on a particular pay scale and fixed his emoluments at the stage of Rs.37,400/- in terms of Govt. of Punjab notification dated 15.1.2015 as adopted by the Chandigarh Administration vide letter dated 10.7.2015. He has also impugned



order dated 17.10.2018 (Annexure A-2), whereby the respondents, upon completion of probation period of two years, have withdrawn regular pay scale of Rs.37400-67000+Rs10,000 (Academic grade pay) retrospectively w.e.f. 10.02.2016 i.e. from the date of his initial appointment.

2. Facts broadly are not in dispute.
3. Applicant, who was working as Associate Professor, in the discipline of Electronics and Communication Engineering in Chandigarh College of Engineering, applied pursuant to advertisement issued in September 2015 for the post of Professor. He was selected and appointed on 10.2.2016 pursuant to which he joined and was placed in the pay scale of Rs.37400-67000+Rs.10,000 (Academic grade pay) which the applicant was getting before passing of impugned order.
4. Heard learned counsel for the parties.
5. Learned counsel for the applicant vehemently argued that the impugned order reducing pay of the applicant is based on notification dated 15.1.2015 issued by State of Punjab, whereby they have amended Punjab Civil Services Rules, Volume-1, Part-I by insertion of Rule 2.20-A and substitution of Rule 4.1, 4.4 and 4.9, which was adopted by Chandigarh Administration on 10.2.2016. As a result of this, fixed emoluments were to be paid to newly recruited employees, at minimum of the pay band of the post during the probation period of two years and extended period of probation, if any, and no grade pay, annual increment and other allowances except travelling allowances was payable.
6. Learned counsel for the applicant submitted that notification issued by the State of Punjab to this effect, which was the basis of issuance of



notification issued by Chandigarh Administration, came up for consideration before the Hon'ble High Court in CWP No.6391 of 2016 in the case of **Dr. Vishavdeep Singh and others vs. State of Punjab & Others**, decided on 26.10.2019 and Hon'ble High Court had set aside notification issued by State of Punjab. Subsequent to that some of the similarly placed person approached this Court by filing O.A. No.60/348/2018 titled **Amit Sharma & Ors. vs. U.T. Chandigarh & Ors.**, which was allowed vide order dated 17.5.2019 by considering that since principal notification issued by State of Punjab is ultra vires, as such letter adopting same notification dated 15.1.2015 by Chandigarh Administration vide letter dated 10.7.2015 has to be set aside and was quashed. He submitted that since both the notifications have already been set aside, therefore, impugned orders are also liable to be set aside as case of the applicant is squarely covered by decision in the above stated cases.

7. Learned counsel for the respondents are not in a position to contradict the averment and do not dispute that the notification dated 15.1.2015 issued by State of Punjab as adopted by Chandigarh Administration vide letter dated 10.7.2015 has been set aside as such, we are left with no other option but to invalidate the impugned orders refixing pay of the applicant and the respondents are directed to grant applicant consequential benefits arising out of it. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 03.12.2019.
Place: Chandigarh.

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