

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01138/2019
Chandigarh, this the 6th day of November, 2019

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

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1. Ajay Raghuvanshi aged 28 years, s/o Sh. Jagat Ram, permanent resident of Village Cheli, P/O Tanbol, tehsil Sh. Naina Devi Ji, Distt. Bilaspur, H.P. presently working as Junior Engineers, Engineering Deptt, U.T. Chandigarh, Group B
 2. Abhishek Pokhariyal aged 28 years S/o Sh. Rakesh Pokhariyal, permanent resident of B-87/4, S-1, B Block, Dilshad Colony Delhi, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh Sector 9- 160009, Group B
 3. Ashutosh Gautam aged 26 years S/o Sh. Jag Mohan Gautam, permanent resident of 1016, Sector 19-B, Chandigarh presently working as Junior Engineers, Engineering Deptt, UT Chandigarh-160009. Group B
 4. Arshdeep Kumar aged 30 years S/o Sh. Chaman Lal, permanent resident of 1832, Sector 49, Chandigarh, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh - 160009. Group B
 5. Balraj aged 25 years S/o Sh. Balwant Singh, permanent resident of # 3905/3, Sector 44-D, Chandigarh, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh-160009 Group B
 6. Gagandeep Singh aged 28 years S/o Sh. Harmeet Singh, permanent resident of 129, Ward No. 2, Rest House Street, Morinda Distt. Rupnagar, Punjab presently working as Junior Engineers, Engineering Deptt, UT Chandigarh- 160009, Group B
 7. Gautam goyal aged 29 years S/o Sh. Kanaram goyal, resident of Tehsil Gharsana, Sri Ganganagar presently working as Junior Engineers, Engineering Deptt. UT Chandigarh - 160009. Group B
 8. Hardeep Singh aged 27 years S/o Sh. Dharampal Jhajria, permanent resident of 917, Sector 15 A, Hisar, HR, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh, Sector 9, Chandigarh- 160009
 9. Harneet Singh aged 28 years S/o Sh. Gurdev Singh permanent resident of 67 Mohali Employees Co-op Society, Sector 68, Mohali, Punjab, presently working as Junior Engineers, Engineering Deptt., UT Chandigarh - 160009, Group B
 10. Kanish aged 31 years S/o Sh. Hemraj, permanent resident of Nicholan Road, Near Ashoka Hotel, Ambala Cantt (HR) presently working as Junior Engineers, Engineering Deptt, UT Chandigarh Group B
 11. Lakhwinder Singh aged 26 years S/o Sh. Sukhdarshan Singh, permanent resident of 3095/3, Sector 44-B, Chandigarh, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh-160009, Group B

12. Manish aged 26 years S/o Sh. Krishan, permanent resident of 101, Sector 44, Chandigarh, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh-160009, Group B
13. Mohit Rana aged 28 years S/o Sh. Kanwarpal Singh, permanent resident of Village Tarouli, Tehsil SAS Nagar, Punjab, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh – 160009.
14. Nitin Sehgal aged 29 years S/o Lt. Sh. Raj Kumar Sehgal, permanent resident of 2901/h-6, Ram Nagar, Amabala City, HR, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh – 160009. Group B
15. Prince Walia, aged 26 years, S/o Sh. Kuljeet Singh, presently resident of 3102/1, Sector 44-D, Chandigarh, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh -160009. Group B
16. Rajindra Bhakar aged 25 years S/o Sh. Rameshwar Lal permanent resident of Kichak, VPO Chhappar Kallan, Distt. Nagaur, Rajasthan, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh – 160009, Group B
17. Rotash Sharma, aged 26 years, S/o Sh. Ravinder Kumar, permanent resident of 2250, GTB Nagar Kharar, Punjab, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh – 160009. Group B
18. Sajanbir Singh Bhathal, aged 28 years, S/o Sh. Jaswant Singh Bhathal, permanent resident of 1240, Sector 15-B, Chandigarh, presently working as Junior Engineers, Engineering deptt. UT Chandigarh-160009. Group B
19. Sandeep Chawla aged 38 years S/o Sh. Ramesh Chawla, permanent resident of 1357, Sector 19-B, Chandigarh, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh-160009. Group B
20. Shishpal aged 28 years S/o Sh. Abe Ram, permanent resident of 1784 G/F, Sector 29-B, Chandigarh, presently working as Junior Engineers, Engineering Deptt. UT Chandigarh – 160009, Group B
21. Sumit Toor aged 25 years S/o Sh. Shilak Ram, permanent resident of 1366/A, Sector 19-B, Chandigarh, presently working as Junior Engineers, Engineering Deptt, UT Chandigarh,-160009, Group B

....Applicants

(Present: Mr. Gurjinder Singh, Advocate)

Versus

1. Union Territory Chandigarh Administration through its Administrator, UT Secretariat, Sector 9, Chandigarh – 160009.
2. Engineering Department, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh, Union Territory Chandigarh through its Secretary – 160009.

3. Department of Personnel through its Secretary, Union Territory Chandigarh Administration, Union Territory Chandigarh, Sector 9, Deluxe Building, Chandigarh – 160009.
4. State of Punjab through its Principal Secretary, Department of Finance, Civil Secretariat, Chandigarh – 160001.

..... **Respondents**

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/01753/2019 is allowed and the applicants are permitted to join together to file this O.A.
2. By way of the present O.A., the applicants lay challenge to the notification dated 15.01.2015 whereby the Punjab Civil Service Rules Volume-I, Part-I were amended by insertion of Rule 2.20 and substitution of Rule 4.1, 4.4. and 4.9 and also the adoption of letter dated 10.07.2015 vide which the Chandigarh Administration has adopted the notification dated 15.01.2015 and directed that newly recruited employees shall be paid fixed emoluments i.e. minimum pay scale/salary of the pay band without any grade pay and without any annual increments or any other allowance, except travelling allowances, during the first two years of probation and also that on confirmation the probation period shall not be countable towards permanent service.
3. Heard.
4. Mr. Gurjinder Singh Chaha, learned counsel for the applicants submitted that the impugned notification dated 15.01.2015 passed by the State of Punjab came up for consideration before the Hon'ble High Court of Punjab and Haryana in the case of **Dr. Vishvadeep Singh and Others Vs. State of Punjab and Others** (CWP No. 6391 of

2016 (O&M) and vide judgment dated 26.10.2018, it was quashed and set aside. He submitted that since the said notification was adopted by the Chandigarh Administration vide letter dated 10.07.2015, therefore, some aggrieved employees of Chandigarh Administration also approached this Tribunal by filing O.A. No. 060/00348/2018 titled **Amit Sharma & Others Vs. Union of India & others**, which was disposed of vide order dated 17.05.2019 (Annexure A-8) accepting the prayer of the applicants (therein), by quashing the impugned adoption letter. Learned counsel contends despite the fact that the original notification dated 15.01.2015 issued by the State of Punjab and the letter dated 10.07.2015 by which it was adopted by the Chandigarh Administration, have been quashed and set aside by the Court of law, the applicants are being paid in terms of those notifications by the respondents. Hence, the applicants are before this Court.

5. On a query made by this Court about whether any representation/request has been made by the applicants to the department, learned counsel submitted that the applicants have made a representation but a copy thereof, at present, is not available with them.

6. In the wake of above, we deem it appropriate that the claim of the applicants be considered, at the first instance, by the respondents, therefore, this O.A. is disposed of, in limine, with a direction to the applicants to submit a comprehensive representation along with the judicial pronouncements in support thereto within 15 days from the date of receipt of a copy of this order and the respondents, on receipt of such representation, if filed, shall consider and decide the same, in

view of relied upon cases, within a month. If the applicants are found similarly situated, the relevant benefits be granted to them, otherwise a reasoned and speaking order be passed and a copy thereof 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.

(MOHD. JAMSHED)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.11.2019

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