



**CWP-25861-2017 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**(102+216)**

**CWP-25861-2017 (O&M)**

**Date of Decision : August 20, 2025**

**Union of India and others**

**.. Petitioners**

**Versus**

**Jaswant Singh Dhiman and others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Vipul Aggarwal, Sr. Panel Counsel, for the petitioners.

Mr. Jagdeep Jaswal, Advocate, for the respondents.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 22.03.2017 (Annexure P-7) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh by which, respondents No. 1 and 2 have been given the benefit of upgradation of their salary equivalent to what had been granted to their immediate junior namely L. Narahari.

2. Learned counsel for the petitioners submits that though the benefit of upgradation of pay has been granted to the junior of the respondents No. 1 and 2 herein, when he got promoted to the post of Assistant Accounts Officer but once the respondents never raised a claim for the said benefit at the relevant time, therefore, they cannot be granted the said benefit of upgradation at a later stage.

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3. Learned counsel for the petitioners further submits that only the employees who had availed the remedy for getting the benefit at earlier stage, though junior to the respondents No. 1 and 2, have only been granted the benefit of stepping up of their salary but delay aspect has been overlooked by the Tribunal while granting the benefit of stepping up of the pay of the respondents in equivalence to what was granted to their immediate junior.

4. Learned counsel appearing on behalf of the respondents submits that certain financial benefits were granted to one L. Narahari who was working as Assistant Accounts Officer when he got the benefit of higher pay and the employees, some of which were also junior to respondents No. 1 and 2, who were not given the said benefit, approached the Tribunal by filing OA No.260-2002 for stepping up of their pay equivalent to L. Narahari, which was allowed by the Central Administrative Tribunal, Madras Bench on 13.11.2002 which order was upheld even upto the Hon'ble Supreme Court of India and the benefits were extended to one R. Sridharan along with 24 other employees on the same analogy on the basis of which the same benefit has been granted in favour of respondents No. 1 and 2 by the Tribunal vide order dated 22.03.2017 (Annexure P-7) which has been impugned in the present petition.

5. Learned counsel for the respondents further submits that benefit of higher pay scale which was extended by the Central Administrative Tribunal, Madras Bench, was to the employees some of whom who were junior to the respondents No. 1 and 2 herein hence, the benefit of higher pay

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scale has been rightly extended to the respondents by the Tribunal vide impugned order dated 22.03.2017 (Annexure P-7).

6. Learned counsel for the respondents further submits that once the question of law that whether on the basis of parity, the benefit which had been extended to one junior employee, is to be extended to other employees senior to him, was settled after the dismissal of the SLP on 01.10.2009 in the case of R. Sridharan and 24 others qua OA No.260 of 2002 wherein, it was settled that the same should have been implemented qua all the seniors of L. Narahari, which was concededly not done hence, the Tribunal had to intervene for the grant of benefit of higher pay scale to respondents No. 1 and 2 and therefore, the writ petition may kindly be dismissed.

7. We have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The question of fact that the respondents herein were senior not only to L. Narahari but also some of the applicants in OA No.260 of 2002, has gone un-rebutted. Once, the benefit of higher pay has been granted to the seniors of L. Narahari on the basis of settled principle of law, the respondents No. 1 and 2 herein, who were concededly senior to L. Narahari should have also been extended the said benefit by the petitioners on their own rather than forcing the respondents to approach the appropriate forum to get the same relief.

9. Nothing has come on record to show that for the purpose of granting benefit of higher pay the respondents are in any way different than the applicants in *OA No.260 of 2002 titled R. Sridharan and others vs. The*



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*Controller of Defence Accounts, 506, Anna Salai, Teynampet, Chennai and others.* That being so, granting a benefit which has already been extended to the similarly situated employees on the basis of the direction to grant benefit of higher pay has been given by the competent Court of law, which directions have already attained finality upto the Hon'ble Supreme Court of India, non-grant of the same to the respondents will amount to discrimination that too without any intelligible differentia, which cannot be allowed.

10. Once, the entitlement of the respondents for grant of higher pay is not disputed, the grant of said benefit cannot be denied merely on the ground that respondents had approached to the authorities concerned for grant of benefit at a later stage when it is the duty of the petitioner to grant the said benefit to respondents has gone un-rebutted.

11. Further, the same question was also raised by the respondents when the similar benefit was extended to applicants in *OA No.403-CH-2011 titled Satpal Singh and others vs. Union of India and others*, against which order, a writ petition was filed which writ petition has also been dismissed by the Coordinate Bench of this Court being *CWP No.8758 of 2015 titled as Union of India and others vs. Satpal Singh and others and other connected case, decided on 06.05.2015* and the similar benefit of higher pay scale already stands extended to the similarly situated employees.

12. Keeping in view the totality of circumstances, no perversity in the order dated 22.03.2017 (Annexure P-7) passed by the Tribunal has been



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pointed out either on facts on record or on law, hence, there is no need of any interference by this Court.

13. Accordingly, the writ petition is dismissed.

14. Civil miscellaneous application pending if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**August 20, 2025**  
*harsha*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No