

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

CWP No.18849 of 2013 (O&M)

Date of decision : 06.10.2016

Chandigarh Industrial & Tourism Development Corporation Ltd. (CITCO)
Workers Union and others *....Petitioners*

Versus

The Administrator, Union Territory, Chandigarh
and others *....Respondents*

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. D.R. Sharma, Advocate for the petitioners.

Mr. Jaivir S. Chandail, Advocate for respondents No.1 and 2.

Mr. Harsh Aggarwal, Advocate for respondent No.3.

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TEJINDER SINGH DHINDSA, J.

CM No.12929 of 2016:

Application is allowed as prayed for. Copy of the order dated 06.07.2016 endorsed on 22.09.2016 is taken on record as Annexure R-3/1.

Application disposed of.

Main case:

The instant petition has been filed at the hands of a Workers Union which comprises of employees of the Chandigarh Industrial and Tourism Development Corporation Ltd. (in short 'CITCO').

Claim raised in the instant petition is with regard to the right of the employees/Members of the Union to be granted an extension in service beyond the age of superannuation.

At an earlier point of time when this writ petition had been taken up for motion hearing i.e. on 30.09.2013, the argument raised on behalf of the petitioner-Union had been noticed that the Board of Directors of CITCO had resolved to extend the age and to grant benefit of extension

on the pattern of Punjab Government and such decision had been duly approved by the Administrator, U.T., Chandigarh. It had been argued that respondent No.3-Board cannot now resile from such position and take a different view on the subject without approval and permission from the Administrator, U.T., Chandigarh.

Subsequently in point of time and on 14.07.2016, Mr. Harsh Aggarwal, learned counsel appearing for respondent No.3-Board had informed the Court that the matter had been taken up before the Administrator, U.T., Chandigarh and a decision was taken in principle on 06.07.2016 that extension beyond the age of superannuation would not be granted to employees of CITCO. At that stage, counsel appearing for the petitioners-Union had joined issue and had claimed that representatives of the Union had thereafter approached the Administrator, U.T., Chandigarh and whereupon verbal directions had been issued for keeping the decision dated 06.07.2016 in abeyance. It was in view of such rival contentions that hearing in the petition was deferred and Mr. Harsh Aggarwal, learned counsel for respondent No.3-Board had been directed to complete instructions in the matter.

During the course of hearing today, Mr. Aggarwal, learned counsel appearing for respondent No.3-Board has taken a categorical stand that at no stage were any verbal orders passed to keep the decision dated 06.07.2016 in abeyance. He would rather advert to the order placed on record as Annexure R-3/1 which carries an endorsement of 22.09.2016 and in the light of which the decision taken on 06.07.2016 by the Administrator as regards not granting any extension in service beyond the age of superannuation on 58 years has been reiterated.

Mr. D.R. Sharma, learned counsel appearing for the petitioners-Union would submit that even such order at Annexure R-3/1 is not comprehensive in nature as it does not deal with the situation and the rights of the employees who have already enjoyed the benefit of extension. Mr. Sharma would also make an attempt to point out other infirmities/illegalities in the order that has been passed and placed on record at Annexure R-3/1 carrying endorsement dated 22.09.2016.

In the considered view of this Court, since a final decision has been taken, no further directions can be passed in the instant petition. Needless to observe that, if any, Member of the petitioners-Union is aggrieved of the order at Annexure R-3/1, it would always be open for such employee to raise a challenge to the same, if so advised and on grounds available in accordance with law.

Petition disposed of.

06.10.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |