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

CWP No.2618 of 2016

Date of Decision: 10.02.2016.

UNION OF INDIA & ORS

....Petitioners

Vs.

**AKHIL BHARTIYA NEHRU YUVA KENDRA LEKHA
ASSOCIATION & ANR**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Vivek Singla, Advocate
for the petitioners.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

SURYA KANT, J. (ORAL)

[1]. The Nehru Yuva Kendra Sangathan and its Authorities have laid challenge to the order dated 07.04.2015 passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal'), which is otherwise a consent order, whereby the petitioner-Authorities agreed to consider the claim of the applicants before the Tribunal in the light of the judgments dated 04.02.2011 and 05.08.2011 and to release the consequential pensionary benefits.

[2]. The applicant-respondents sought the pensionary

benefits *qua* those employees who have been recruited in the service of petitioner-Organisation on or after 01.04.1987.

[3]. An identical controversy was earlier raised before the Tribunal in a bunch of Original Applications including O.A.No.675/PB/2009. Those Original Applications were allowed by the Tribunal and the benefit of pension and other retiral benefits were extended to all the similarly placed employees of the Organisation, who were recruited ever after 01.04.1987.

[4]. The Tribunal's orders were challenged before this Court in CWP No.23846 of 2011 and other connected writ petitions (**Union of India and others vs. Central Administrative Tribunal and others**) which were dismissed on 08.02.2012.

[5]. The review application was also dismissed on 28.09.2012. Thereafter, the matter was taken to the Hon'ble Supreme Court but the SLP was also declined vide order dated 08.11.2012.

[6]. It further appears that similar orders were passed by various other Benches of the Tribunal throughout the country and those orders too were upheld upto the Hon'ble Supreme Court.

[7]. Relying upon the above-cited orders passed in the cases of similarly placed employees and which have attained finality that the Tribunal vide impugned order has allowed the

Original Application filed by the respondents by way of an agreed order.

[8]. We have heard learned counsel for the petitioners.

[9]. It is not the petitioners' case that the claim of the employees represented by the respondent-Association are distinguishable on facts. No such distinction has been pointed out before us. If that is so, the writ petition is liable to be dismissed on two counts, namely:-

- (i) The controversy is already settled upto the Hon'ble Supreme Court.
- (ii) The impugned order is a consent order and is not amenable to further challenge. Moreover, once a judgment has attained finality, the Authorities ought to have extended its benefit to the similarly placed employees without compelling them to approach the Tribunal.

[10]. Ordered accordingly.

(SURYA KANT)
JUDGE

February 10, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE