

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANI S
WRIT PETITION No. 43106 of 2015

ORDER: *(Per Hon'ble Sri Justice Sanjay Kumar)*

The Union of India and the National Institute of Nutrition, Hyderabad, filed this writ petition aggrieved by the order dated 22.09.2015 passed by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad, in O.A.No.35 of 2014.

The said O.A was filed by the unofficial respondents herein, Casual Labourers in the service of the National Institute of Nutrition at Hyderabad, who were granted temporary status but were denied the benefit of pension under the scheme that was applicable to Government Servants appointed on or before 31.12.2003. This denial was based on the fact that their services were regularized after 01.01.2004. They therefore sought a declaration that they were entitled to pension and Provident Fund as applicable to employees appointed prior to 31.12.2003. By the order under challenge, the Tribunal allowed the O.A and held that the unofficial respondents were entitled to be covered by the CCS (Pension) Rules, 1972, and the General Provident Fund Rules, as applicable to employees appointed prior to 31.12.2003. This relief was however made subject to the final outcome of a case pending before this Court. The authorities were also given liberty to insist upon security as deemed appropriate while complying with the directions.

Sri T.P. Acharya, learned counsel appearing for the unofficial respondents, informed this Court that the Government of India issued Office Memoranda dated 26.02.2016 and 28.07.2016, a combined reading of which indicates that the benefit of the General Provident Fund and the

Old Pension Scheme was to be made applicable to all Casual Labourers, even if they were regularized in service on or after 01.01.2004. In the light of this policy decision taken by the Government of India, Sri T.P. Acharya, learned counsel, would contend that the issue stands settled and there is no reason for the petitioners to continue with this litigation.

Sri B. Narasimha Sarma, learned senior standing counsel appearing for the petitioners, states that it is a fact that the aforestated Office Memoranda were issued by the Government of India and that they would have an impact on this pending */is*.

In the light of these facts, we agree that the issue stands settled by the Office Memoranda dated 26.02.2016 and 28.07.2016 issued by the Government of India.

The Writ Petition is accordingly closed. The petitioners shall abide by the directions of the Tribunal in the context of the aforestated Office Memoranda. Action in this regard shall be taken expeditiously and, in any event, not later than three months from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 13.02.2017

ANIS, J

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