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CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH****OA. 060/00550/2014****Chandigarh, this the 7th day of April, 2015**

CORAM:HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A.AGRAWAL, MEMBER(J)

1. Akhil Bhartiya Nehru Yuva Kendra Lekhakar Association (Regd.) having its registered office # 563, Model Town, Karnal, Haryana through its General Secretary Hari Prakash son of Shri Jai Prakash, Accounts Clerk-cum-Typist, Nehru Yuva Kendra Sangathan, CORE-4, Scope Minar, Laxmi Nagar, Vikas Marg, Delhi – 110 092.
2. Bashir Ahmad Wani, son of Khwaja Gaffar Wani, Group-D, Nehru Yuva Kendra, Budgam, State Jammu and Kashmir and resident of Village Ohan-gam, District Badgam, State Jammu and Kashmir.

.....Applicants

BY ADVOCATE: SH. HARINDER SHARMA

VERSUS

1. Union of India through its Secretary to Government of India, Ministry of Youth Affairs and Sports, Shastri Bhawan, C-Wing, New Delhi.
2. Director General, Nehru Yuva Kendra Sangathan, 2nd Floor, CORE-4, Scope Minar, Laxmi Nagar, Vikas Marg, Delhi – 110 092.

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3. Executive Director, Nehru Yuva Kendra Sangathan, 2nd Floor, CORE-4, Scope Minar, Laxmi Nagar, Vikas Marg, Delhi-110 092.
4. Deputy Director (Personnel), Office of Director General, Nehru Yuva Kendra Sangathan, 2nd Floor, CORE-4, Scope Minar, Laxmi Nagar, Vikas Marg, Delhi – 110 092.
5. Zonal Director, Nehru Yuva Kendra Sangathan, PAO, Alipur, Delhi.
6. Zonal Director, Nehru Yuva Kendra Sangathan, 39-A/C, Gandhi Nagar Hospital, Jammu (J&K).

.....Respondents

BY ADVOCATE: **SH. DEEPAK AGNIHOTRI**

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-
 - "(i) Quash the order dated 28.02.2014 (Annexure A-1) being illegal, unjust, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.
 - (ii) Issue directions to the respondents to give the benefit of relief granted by this Tribunal vide orders dated 04.02.2011 (Annexure A-7) and 05.08.2011 (Annexure A-8) passed by this Bench having attained finality upto the Hon'ble Supreme Court of India and complied with by respondent No. 2 through order dated 20.11.2012 (Annexure A-12)."

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2. It is stated in the OA that the applicants are challenging the order dated 28.2.2014 (Annexure A-1) passed in compliance of the order dated 13.12.2013 passed by this Tribunal in the earlier OA No. 1635/HR/2013 filed by the applicants whereby their claim for the grant of pension and other retiral benefits has been rejected. Despite the fact that the case of the applicants being similar to the facts of the applicants in 6 OAs decided by this Tribunal by a common order dated 4.2.2011 passed in OA No. 675/PB/2009-Parshotam Lal and others Vs. UOI & Ors. having attained finality with the dismissal of the Special Leave Petition (CC No. 20299 of 2012) by the Hon'ble Supreme Court of India and the compliance thereof has been made by the Nehru Yuva Kendra Sangathan through its order dated 20.11.2012, the action of respondents No. 1 to 4 in rejecting the claim of the applicants is wholly illegal, unjust, arbitrary, discriminatory and is violative of Articles 14 and 16 of the Constitution of India. The applicant No. 1 is an Association registered under the Registration of Societies Act, 1860 vide registration No. 982 in the years 1995-96 having its registered office at #563, Model Town Karnal in the State of Haryana. The primary object of the Association is to look after the

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interest of its class and other persons employed as Drivers and Group D in the Head Office of Nehru Yuva Kendra Sangathan at its Zonal Offices or in Nehru Yuva Kendras at District level.

3. Written statement has been filed on behalf of the respondents opposing the claim made in the OA. It has been stated that the Rules and Regulations of Nehru Yuva Kendra Sangathan (NYKS) do not have any provision of pension for its employees on the pattern of Government of India. Moreover, Government of India has not approved the introduction of pension for the employees of autonomous bodies under various Ministries/Departments on Government of India pattern. As a policy, Ministry of Finance, Department of Expenditure have not agreed to the proposal to extend pensionary benefits to all the employees of NYKS. If the pension scheme is extended to the employees of NYKS, it would have repercussions on employees of other autonomous bodies who are similarly placed. The prayer of the applicants is against the policy guidelines of the Government of India.

4. Vide order dated 24.02.2015, learned counsel for the applicant was directed to file an affidavit indicating names and

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designations of the employees of Nehru Yuva Kendra Sangathan recruited after 01.04.1987 who have been allowed pensionary benefits. MA No. 060/00290/2015 has been filed on 16.3.2015 in this regard.

5. When the matter came up for consideration today, Sh. Harinder Sharma, learned counsel for the applicants stated that the claim of the applicants in the OA was squarely covered by the judgement dated 04.02.2011 in OA No. 675/PB/2009 titled Parshotam Lal & Ors. & other connected OAs (Annexure A-7) and order dated 5.8.2011 in MA. No. 645 of 2011 (Annexure A-8) which have been implemented by the respondents and hence, the applicants could not be denied similar benefit.

6. Sh. Deepak Agnihotri, learned counsel for the respondents fairly conceded that judgements in OA No. 675/PB/2009 and MA. No. 645 of 2011 (Annexures A-7 & A-8 respectively) had been implemented by the NVKS and the applicants in this OA were on a similar footing.

7. Considering the ad idem between the parties, this OA is disposed of with directions to the respondents to consider the claim of the applicants in the light of judgements dated 4.2.2011

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and 5.8.2011 (Annexures A-7 and A-8) and pass necessary orders in the matter. Release of the pensionary benefits due to the applicants may be effected within a period of three months from the date of a certified copy of this order being served upon the respondents. No costs.

R. Sandhu
(RAJWANT SANDHU)
MEMBER(A)

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

Dated: April 7th, 2015.

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