

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2585/2014
with
O.A.No.2970/2014

Order Reserved on: 26.05.2016
Order pronounced on 20.07.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

O.A.No.2585/2014:

1. Devender Kumar (Asstt. Director),
S/o Shri Albel Singh,
R/o 166-C, Pocket-E, LIG Flats,
G.T.B. Enclave, Dilshad Garden
Delhi – 110 093.
2. Shri Sanjay Mehra (Accountant to Asst.)
S/o Shri M.L.Mehra
Aged about 44 years
R/o 1/7549-A, Gali No.10
East Gorakh Park
Shahdara, Delhi.
3. Shri Sanjay Gairola (Jr. Accountant)
S/o Shri S.P.Gairola
Aged about 44 years
R/o 1-157B, Sector 22
Noida, UP.
4. Shri Harbans Singh (Jr. Accountant)
S/o Shri Karnail Singh
Aged about 54 years
R/o C-III
Ground Floor (Back Side)
Clock Tower, Hari Nagar
New Delhi – 110 064.

5. Shri Mahender Kumar Sharma (Section Officer)
S/o Shri Suraj Bhan Sharma
Aged about 48 years
R/o 192, Chiranjeevi Colony
B.T.M.Road, Bhiwani, Haryana.
6. Shri Harish Chand (S.O.)
S/o Late Shri Gangaram
Aged about 57 years
R/o House No.440, Gali No.7
By pass Checkpost Road
Bheem Nagar
Ghaziabad (U.P.).
7. Jaya Shankar Joshi (Assistant)
S/o Late Shri A.K.Joshi
B-20 Sahkarpur
Delhi – 92.
8. Bhupender Singh (Assistant)
S/o Balram Singh
House No.52, Block –G
Street No.-7, Ganga Vihar
Delhi – 94.
9. Ravindra Singh (Stenographer-II)
S/o Late Rajendra Singh
R/o A-307, Kidwai Nagar East
New Delhi – 110 023.
10. K.Mahalingam (Section Officer)
S/o Late S.Krishnamurthy
R/o 640, C-F1, Pradeep APPJS
Shalimar Garden-I
Ghaziabad (UP).
11. Pradeep Jaywant (UDC)
S/o Shri C.B.Jaywant
R/o C-1/28, S.I. IIInd Floor
DLF Ankur Vihar
Near Bramha Kumari Achram
Loni-Ghaziabad (UP).

12. Kishan Lal (LDC)
S/o Late Shri Sohan Lal
R/o P-18/A-6, DDA Flats
Dilshad Garden
Delhi – 95.
13. Manjula Panicker (Stenographer)
D/o Late Shri K.R.B.Nair
House No.415, Sector-15
Vasundhara, Ghaziabad
14. Daisy Madan Lal (Assistant)
S/o Shri Type Augustine
R/o B-56, G-2, Shalimar Garden, Extn. II
Ghaziabad (UP).
15. Vandana Zao (Section Officer)
D/o Shri R.K.Sharma
R/o H-4/1, Krishna Nagar
Delhi – 51.
16. Sneh Lala (Assistant)
D/o Shri Ram Kumar Sharma
R/o H.No.103, Krishan Kunj Ext.,
Delhi -92.
17. D.Padmalhi (Stenographer-I)
D/o E.V.L.Prasadu Rao
R/o 49-D, Pocket-A
Maym Vihar-II
Delhi-91.
18. Veena Trackroo (Stenographer-II)
D/o Late Shri K.L.Trackroo
R/o 207-G-Block, Pratap Vihar, Vijaynagar
Ghaziabad (UP).
19. Suman Mudgal (Asst. Director) (O.L.)
D/o Shri R.C.Sharma
II, Narmada Apartment
Alaknanda, New Delhi – 19.

20. Mrs. Anu Panwar (Stenographer-III)
D/o Shri Suresh Mumar
R/o BES-24, Nari Nagar
Near Ramgarhi Gurudwara
New Delhi – 110 064.
21. Mrs. Neelu Tnadani (Stenographer-I)
D/o Mr. M.Snahani
R/o A-102, Kaveri Apartments
Alaknanda, New Delhi – 110 019.
22. Sheela Dileep (LDC)
D/o Late Shri Rahulan, M.L.
R/o 43, Shiv Shakti Vihar
Lajpat Nagar, GZB (UP).
23. Smt. Lanni Chuhan (UDC)
D/o Shri Guman Singh Rawat
R/o G-65, INA Colony
New Delhi-110 023.
24. Sushila (LDC)
D/o Shri Jaipal Singh
R/o G-3/131, Shastry Park Ext.
Nathupura Mode, Burari
Delhi-84.
25. Prabhash Chandra Choudhary (LDC)
S/o Late Shri Basu Deo Choudhary
R/o Flat No.102, Ground Floor
Plot No.A-123, Shalimar Garden, Ext.II
Sahibabad, Ghaziabad, UP-201005.
26. Shri Raman Jha (UDC)
S/o Hoshiyar Jha
R/o G/2 640C, Pradeep Aptt.
Shalimar Garden Ext.-I
Sahibabad, Ghaziabad, UP.

27. Aruna (LDC)
D/o Shri Madan Singh Panwar
R/o House No.1621, Sector-5
R.K.Puram, New Delhi-22.
28. Lathika N.Das (LDC)
D/o A.Vasudeva Nair
R/o 93-Geeta Apartment
Geeta Colony, Delhi.
29. Krishan Kumar Urmaliya (Legal Officer)
S/o Lt. C.P. Urmaliya
R/o Krishna Bhavan
Baruripura Chhindwara (MP).
30. Smt. Shrijay Kudalkar (Stenographer-III)
D/o Lt. Shri Tukaram Sonawale
R/o H.No.118, Nitin Niwas
Manjarli, Pokhaskar Nagar
Badlapur (W) – 421503.
31. Saranjeet (LDC)
S/o Late Shri Davinder Singh Bedi
R/o Bedi House
Vill & P.O.-Sehatpur (via) Amar Nagar
Sarai Khawaya, Faridabad, Haryana.
32. Mohan Singh Shahi (Stenographer Grade-I)
S/o Late Shri Gopal Singh Shahi
R/o 437, Ground Floor
Vill. Allpur, Near Lijje Ram Colony
Delhi – 110 036.
33. Ravi Shankar Tiwari (Group-“D”)
S/o Shri Ajab Narayan Tiwari
R/o 909, Purani Firani Road
Alipur, Delhi – 110 036.
34. Poonam (LDC)
D/o Shri Bahadur Singh
R/o H. No.80
Suraspur, Delhi – 42.

35. Rajesh Karanth (Jr. Accounts Officer)
S/o Shri K.R.Karanth
R/o 625, 18th Main, 10th Cross
Padmanabha Nagar
Bangalore-560070.
36. A. Nagalakshmi, TNC Dhat Ru (Stenographer-I)
D/o Shri M.Prameswara Rao
R/o 404, 7th Main Road
"A" Block, Milk Colony
Malleswaram West
Bangalore – 560055.
37. Angsuman Chakraborty (UDC)
S/o Late Anil Kumar Chakraborty
R/o 19/1, BOSE, PARA ROAD
Mohit Colony, Calcutta – 700008.
38. Praful H. Trambadia (Dist. Youth Coordinator)
S/o Hirjibhai Pamjibhai Trambadia
R/o A-104, NR. Randalmata Temple
Chanakyapuri Canal Road
New Sama, Baroda-390024 (Gujarat).
39. G.S.Raghav (Asst. Director) (Dist. Youth Coordinator)
S/o Shri Udai Singh Raghav
R/o I-228, Govindpuram
Ghaziabad (UP).
40. Ashok Kumar (Dist. Youth Coordinator)
S/o Late Sh. Devraj
R/o House No. L-198 A
Dilshad Garden
Delhi – 110 095.
41. Shri Ajay Kumar Sharma (Assistant)
S/o Shri Rattan Lal Sharma
Aged about 44 years
R/o BS-135C, Shalimar Bagh
Delhi.

42. Shripal Singh (LDC)
Sh. Kanehhi Singh
6/117, Khichripur
Delhi -91.
43. Pramathesh Chakravarty (Dist. Youth Coordinator)
S/o Lt. Suresh Chakravarty
Trinayana Apartment (3U4)
Panchajanya Path
Mathura Nagar, Dispur
Guwahati-781006, Assam.
44. Atish Ganguly (Asst. Director)
S/o Late Shri Anil Ganguly
R/o Flat No.A-1
Shibesh Apt.
46, Baquiati Road, Kolkata – 700 028.
45. Subrata Ghosh (Dist. Youth Coordinator) (I/C)
S/o Late Sritijiwan Ghosh
R/o 11, Aakar Flat-II
Near Chandravilla Flat
Atmajyoti Ashram Road
Ellora Park, Baroda – 390 023
Gujarat.
46. Kamlesh Devi (LDC)
D/o Shri Gian Singh
68, Alipur, Delhi – 110 036.
47. Sunita Sharma (UDC)
D/o Shri Harish Sharma
R/o D-135, G.F. New Rajinder Nagar
New Delhi – 110 060.
48. Sushila Sharma (Stenographer)
D/o Shri Bishamber Nath Lau
R/o B-103, Divya Apartments
Plot No.21, Sector-10
Dwarka, New Delhi – 75.

49. Brij Kishore Singh (UDC)
S/o Jai Singh
R/o 254/IIA, S.G.P.G.I of M.S. Rai Barely Road
Lucknow – 226014, U.P.
50. Basudeo Das (Junior Accounts Officer)
S/o Late Shri Kalipado Das
H.No.Basudeo Das
B-404, Girija Apartment
Naya Tola, Patna-4.
51. Dhanpat (Asst.)
S/o Harphul Singh
A-41, Staff Qtrs.
Camp Jail, Tihar, New Delhi.
52. Poonam Sharma (Dist. Youth Coordinator)
D/o Prem Prakash
R/o Surya Vihar, Dundahera
Gurgaon – 122016.
53. Macwan Alka Edwin (Stenographer)
D/o Shri M.D.Dabhi
R/o Navayard, Chhani Road
Vadodara – 390 002.
54. Arvind Pratap Singh (Youth Coordinator)
S/o Late Dharm Pal Singh
R/o H-3, Siddh Apartment
107, I.P.Extension
Delhi – 110 092.
55. Maya Shankar Barma (A.A.O.)
S/o Lt. Navasur Verma
R/o Ganesh Nagar, Basistha
Hill View Path.
56. Umesh Sahni (Dist. Youth Coordinator)
S/o Late Shri K.K.Sahni
R/o K-1116, Gaur Green City
Indira Puram, GZB.

57. Mrs. Ira Das Saikia (steno-II)
D/o Late Dhaji Ram Das
R/o Lachit Nagar, Bye Lane No.4 (North)
Ulubari, Guwahati, Pin-781007.
58. Manos Mukund Rao Shrishikar (Driver)
S/o Shri Mukund Rao Shrishikar
R/o P.O. Somundraulani, Teh. &
Dist. Qsmonaleael (MH).
59. Munni Tolia
D/o Late Shri M.S.Rana
(Dist. Youth Coordinator)
R/o Ashutosh Bhawan, Mallital, Nainital.
60. Ramesh Kumar Soni (P.S. to D.G.)
S/o Late Shri Sri Ganesh Soni
R/o 366/402, Shalimar Garden Ext.-1st
Sahibabad, Ghaziabad, UP.
61. Anil Kumar
S/o Shri Sanu Maisi (Driver)
R/o 13/35, Ghas Mandi, Rajpur
Dehradun (UK).
62. Kharak Singh Bisht (Group-D)
S/o Late Shri Lacham Singh
R/o Usha Sadan, Mallital, Nainital.
63. Rajesh Kumar Jadon (Dist. Youth Coordinator)
S/o Shri Nathu Singh
R/o R-194, HIG, Duplex, Sector-12, Pratap Vihar
Ghaziabad (UP).
64. Surender Kumar Babbar (Steno)
S/o Late Shri Tek Chand
R/o G-65, Street No.15
Jagatpuri, Delhi -110 051.

65. Hanish Kumar Sharma (Driver)
 S/o Late Shri Paramatma Saran Sharma
 R/o Mohalla Pandowala, Kasba Lapad
 Teh: Sardhana, Dist. Meerut, UP.

66. Harish Chandra (Group-D)
 S/o Shri Hayat Ram
 R/o Vill. Simayal Post:Chora
 Patti-Dug, Dist. Bageshawar.

67. Suresh Chand Shambha
 R/o Late Lacchman Singh
 R/o Vill & PO-Saraspur
 Delhi -110 042.

68. Manish Kumar
 S/o Late Sri Hari Kishan
 R/o Vill & PO-Saraspur
 Delhi – 110 042. Applicants

(By Advocate: Sh. A. K. Behera with Shri Sridhar Nayak)

Vs.

1. Nehru Yuva Kendra Sangathan
 Through its Director General
 2nd Floor, Core-4
 Laxmi Nagar, Vikas Marg
 Delhi – 110 092.

2. Union of India
 Through its Secretary
 Ministry of Youth Affairs & Sports
 Shastri Bhavan, 'C' Wing
 New Delhi. Respondents

with

O.A.No.2970/2014:

Sh. Ved Ram Sharma
 S/o Late Ram Bharoshi Lal
 Age about 60 years
 Currently working as an
 Accountant at Firozabad U.P.
 R/o 5B/35, Krishna Nagar
 Shahganj, Bodla Road, Agra, U.P. ... Applicant

(By Advocate: Ms. Bimla Devi)

Versus

1. Union of India
 Through Secretary
 Ministry of Youth Affairs & Sports
 New Delhi.
2. Nehru Youva Kendra Sangathan
 Director General
 (Under Ministry of Youth Affairs &
 Sports Government of India)
 2nd Floor, Core-4, Scope Minar
 Lakshmi Nagar, District Centre
 Vikash Marg,
 New Delhi.
3. Zonal Director
 Nehru Yuva Kendra Sangathan
 Lucknow, U.P. ... Respondents

(By Advocate: Shri R.Ramachandran with Ms. Lakshmi Gurung)

O R D E R

By V. Ajay Kumar, Member (J):

The applicants in OA No.2585/2014, 68 in number, and the sole applicant in OA 2970/2014 are working in various capacities in

the respondent-Nehru Yuva Kendra Sanghathan (in short, NYKS), and filed the respective OAs questioning the action of the respondents in not granting the retiral and other service benefits, including Pension, on par with other similarly situated persons such as the applicants in O.A.No.675/2009 (**Purshottam Lal & Others v. Union of India & Others**), as upheld by the Hon'ble Apex Court and complied with by the respondents.

2. Since both the aforesaid OAs are identical in nature, the same are being disposed of by this common order, as prayed by the learned counsel for the parties.

3. The brief facts are that in 1972, Nehru Yuva Kendra Sanghathan was constituted under the Ministry of Youth Affairs and Sports. With effect from 01.04.1987, NYKS was given the status of an autonomous body and the management and control of Nehru Yuva Kendras established at district level came under the NYKS. Each NYK has three posts, i.e., District Youth Coordinator, Accounts Clerk-cum-Typist and Peon-cum-Chowkidar. Before formation of NYKS, all the above posts were filled by way of deputation from the State Government employees and in few cases by way of direct recruitment. In both the OAs, all the applicants were appointed to their respective posts in NYKS after 01.04.1987, and hence, they may be called as Post-Sanghathan Employees. The employees who were initially appointed by deputation prior to 01.04.1987 and later regularized on giving

option to continue in NYKS, and the employees, who were directly recruited prior to 01.04.1987 are called as Pre-Sangathan Employees.

4. Aggrieved by reduction of their salaries, certain Pre-Sangathan Employees filed OAs for continuation of their existing pay and for other benefits, and the same were finally crystallized by way of the Hon'ble Apex Court's Judgment in W.P.(C) No.1188/1989 and batch dated 15.11.1994 (**B.R.Dutta & Others v. Union of India**) and the relevant part reads as under:

"We have been taken through the lengthy judgment of the Central Administrative Tribunal. By and large we are in agreement with the reasoning and the conclusions reached by the Tribunal in the impugned judgment. We only wish to make certain marginal changes in the final directions issued by the Tribunal. We, therefore, set aside the directions (i) to (iv) given in the penultimate para of the judgment and substitute the same by the following directions:-

[1] We uphold the order of the Central Government by which the Sangathan was constituted. The Tribunal was not justified in quashing the said order. We, however, uphold the direction of the Tribunal wherein the order directing the reversion of the respondents to the parent departments was set aside. We are of the view that keeping in view the facts and circumstances of this case, specially the statutory Recruitment Rules framed in the year 1980, there was no justification for directing the reversion of the respondents to their parent departments.

[2] The respondents and all other similarly situated shall be deemed to have been absorbed in the cadre of Youth Coordinators at the initial constitution. We make it clear that they shall be under the administrative and disciplinary control of the Sangathan.

[3] The salary which the respondents and other similarly situated Youth Coordinators are drawing shall not be reduced to their detriment on the ground that they have now been absorbed in the service of the Sangathan.

The Civil appeals are disposed of in the above terms"

5. In pursuance of the aforesaid directions of the Hon'ble Apex Court, the pay and conditions of service of all those deputationists and the directly recruited Youth Coordinators, appointed prior to

01.04.1987, were protected and they are allowed to draw the pay, retirement benefits, pension, etc. on par with the Central Government employees.

6. When the respondents differentiated in payment of salary and the allowances between the persons who were originally came on deputation and later absorbed as Youth Coordinators and those who have been directly recruited employees in the Sanghathan, the directly recruited employees approached the Hon'ble High Court of Allahabad which was finally crystallized by a Judgment of the Hon'ble Apex Court in Civil Appeal No.7356 of 2000 dated 12.07.2007 (Nehru Yuva Kendra Sanghathan v. Rajesh Mohan Shukla and Others) **[Annexure A5]**, by ordering that the same benefits as were being given to the Youth Coordinators who were initially came on deputation and were absorbed, should be given to the respondents from the date of filing of the WP in the High Court of Allahabad, and the relevant part of the said Judgment in the said Civil Appeal No.7356/2000, reads as under:

"3. We find that the nature of duties being discharged by the Youth Coordinators who have come on deputation and have been absorbed as such and those who were directly recruited on fixed term are discharging the same duties. The only difference is their source of recruitment. Once the deputationists are discharging the same duties and are being paid salary and other allowances then there is no reason to deny the same benefits who are discharging the same duties and functions. Those deputationists now absorbed obtained the order from this Court but the direct recruits did not approach this Court, they were treated as a class apart because of their source of recruitment. Once these persons are already working for more than two decades discharging the same functions and duties then we see no reason why the same benefit should not be given to the respondents.

Looking to the nature and duties of these respondents we are of opinion that there is no reason to treat them differently. However, at the time of admission this Court on 1.5.2000 confined the relief from the date of filing of the writ petition

before the High Court. In fact, these directly recruited Youth Coordinators approached the Court in earlier point of time but they were advised to approach the Government and they did approach the Government but the Government denied them the same relief as was given to the deputationists. Therefore, there is no reason not to grant them the same scale pay and as such this Court at the time of admission has confined the relief that why it should not be granted from the date of the filing of the writ petition in the High Court. Accordingly, we dispose of these civil appeals with a direction that the same benefits as were being given to the Youth Coordinators who were initially on deputation and were absorbed, should be given to the respondents from the date of filing of the writ petition in the High Court of Allahabad. Hence, the order of the High Court of Allahabad is affirmed with minor modification as indicated above.

There would be no order as to costs."

The said decision has been implemented by the respondents vide the Annexure A6 (Colly.).

7. In respect of Group 'D' employees of the NYKS also, by following the decision of the Central Administrative Tribunal, Ernakulam Bench in OA 1428/1991, dated 1.07.1993, as confirmed by the Hon'ble High Court of Kerala in WP(C) No.20986/2006 dated 18.12.1995 in **N.G.Narain Nayak & Others v. Union of India & Others**, the respondents have granted all service benefits, including retirement benefits, as applicable to Group 'D' employees working under Government of India, vide Office Order dated 22.07.2009 (Annexure A7).

8. Again OA No.675/PB/2009 and batch [**Purshotham Lal & Others v. Union of India & Others**] filed by both Pre-Sanghathan and Post Sanghathan Group 'C' and 'D' category Employees for granting of pension and all other retiral benefits, which have been given by the Sanghathan to District Youth Coordinators and Group 'D'

employees, were allowed by way of a common Judgment dated 04.02.2011 (Annexure A9) of the Central Administrative Tribunal, Chandigarh Bench, and the relevant part of which reads as under:

"We have heard the learned counsel for the parties and considered the documents on record.

The applicants in this case are seeking the benefit of the order dated 22nd July 2009 (Annexure A-6), whereby 13 persons have all been granted "all service benefits including retirement benefits as applicable to Group 'D' employees working under Government of India, purportedly in compliance with the judgment of High Court of Kerala at Ernakulam. The said order further stipulates that "these Group D employees are governed by Rules and Regulations as applicable to Group D employees of Govt. of India, as admissible from time to time. It is not denied that the so called 13 employees have been working under the Nehru Yuva Kendra Sangathan, whereunder the applicants No.1 to 12 are also working as Group D employees. Once the respondents have decided to extend service and other pensionary benefits to similarly situated employees working in the same organization, applicants No.1 to 12 cannot be denied the same relief. In **Union of India & Another etc. etc., vs. Lalita S. Rao and Others**, - AIR (2001) SC 1792, the Apex Court has ruled that the orders issued by the Court in earlier cases should be applied and enforced irrespective of the fact whether some are parties to the proceeding or not.

In **E.S.P.Rajaram and Others vs. Union of India & Others**, AIR-2001 SC page 581, the controversy related to the scale of pay admissible for Traffic apprentices in the Railway appointed prior to the cut off date. It was observed that the controversy in its very nature is one which applies to all such employees of the Railways; it is not a controversy which is confined to some individual employees or a section of the employees. If the judgment of the Tribunal which had taken a view contrary to the ratio laid down by Supreme Court judgment 1996 (4) SCC 416 was allowed to stand, then the resultant position would have been that some Traffic Apprentices who were parties in those cases would have gained an unfair and undeserved advantage over the employees who are holding the same post. Such enviable position would not only have been, *per se* discriminatory but could have resulted in a situation which is undesirable for a cadre of large number of employees in a big establishment like that of the Indian Railways. To avoid such a situation the direction impugned was passed. It was absolutely necessary for the sake of maintaining quality and fair-play with the other similarly placed employees.

A DB of Punjab and Haryana High Court had the occasion to consider the similar controversy in the case of **Satyapal Singh and Others vs. The State of Haryana and Another**, 1999 (2) RSJ 377. The relevant observations made in para 5 may be extracted as below:

"5. After hearing Learned counsel for the parties, we are of the view that the judgment of the Learned Single Judge was really not a judgment in *personam* but was a judgment in *rem* in as

much as law had been laid down and the petitioners in that case were held entitled to the relief claimed by them. Really speaking, the State Government should have itself granted the same relief to other similarly situated persons though they may not have come to the Court. The State government should under such circumstances apply the law itself to the similarly situated persons instead of forcing any individual or a Union to resort to unnecessary litigation as law is already settled and only the same has to be applied to the facts of a particular case. The petitioners in the present case had, through their Union, filed a representation in August, 1992 after the judgment of the Learned single judge. If the respondents failed to comply with the judgment because of the pendency of the Letters Patent Appeal and then the appeal before the Apex Court, the petitioners cannot be denied the same benefit as was granted to the epts in the aforesaid writ petition. The respondents as a Welfare State should rather see to it that the litigation in the courts is minimized. After this Court or the Apex Court lays down the law, it should see to it that similarly, situated persons automatically get the same relief without resorting to litigation."

In another case of **Satbir Singh vs. State of Haryana**, 2002(2) SCT page 354, the Hon'ble High Court has held that when a judgment attains finality, the State is bound to grant relief to its employees who are similarly situated even though they are not party to the litigation. A final decision of the Court must not only be, respected but should also be enforced and implemented evenly and without discrimination in respect of all the employees who are entitled to the benefit which has been allowed to the employees who have obtained orders from the Court. The matter is one of principle and should not depend upon who comes to the court and who does not.

In Dr. (Mrs.) Santosh Kumari vs. Union of India & Others – 1994 (7) SC 565, Hon'ble Supreme Court lamented that a more deserving candidate may not have the means to approach the Court, should he be denied the benefit which has been granted to those who dared the department with court orders.

Since the respondents have granted relief to some of the employees, pursuant to an order of the Kerala High Court, which has attained finality, having been implemented and not challenged before the superior court, the action of the respondents to deny the same relief to the similarly situated persons is *per se* illegal, arbitrary and in defiance of Articles 14 and 16 of the Constitution of India. The same cannot, therefore, be sustained in the eyes of law. Further, the judgment/order in that case cannot also be said to be in *personam*, as claimed by the respondents, but the same has to be treated in *rein* and must be complied with the respect of all similarly situated persons.

Since respondents No.13 and 14 are also working in the same department, where such benefits have been granted to other category of employees, they cannot certainly be treated differently nor deprived of service and other retiral benefits,

which have been extended to similarly situated other Group 'D' employees.

In view of the above, OA No.675/PB/2009 is allowed and the applicants are held entitled to the benefit of the order dated 22.7.2009 as at Annexure A-6 as per rules and the same be extended to them by passing a speaking order within a period of 3 months from the date of receipt of a copy of this order. Further, this order applies mutatis mutandis to the rest of the 5 other cases also.

All the 6 OAs stand disposed of in the above terms. No costs."

9. The CWP No.23846/2011, filed against the said Judgment has been dismissed by an order dated 08.02.2012 of the Hon'ble High Court of Punjab & Haryana (Annexure A12). The SLP No.13714/2012 was dismissed as withdrawn by the Hon'ble Apex Court vide order dated 24.08.2012 (Annexure A13). The Review Application No.391/2012 filed in CWP No.23846/2011 was also dismissed on 28.09.2012 (Annexure A14). The SLP No.20299/2012, filed against the WP(C) Order dated 08.02.2012 and Review Application order dated 28.09.2012 of the Hon'ble High Court of Punjab & Haryana, was also dismissed by the Hon'ble Apex Court on 08.11.2012 (Annexure A16).

10. The respondents, though complied with the aforesaid order, in respect of the applicants therein but when denied identical benefit to the identically situated persons on the ground that the Rules and Regulations of NYKS does not have any provision for payment of pension and that the benefit given to certain others was only in compliance of Court orders, three other Group 'D' employees preferred OA No.172/2010 and the same was also allowed by an Order

of the CAT, Ernakulam Bench in OA No.172/2010 dated 18.01.2012 (Annexure A11) and the relevant part of the same reads as under:

"15. Taking into account of the above facts it can be safely said that the applicants are entitled to all the service benefits as available to the counter parts in the Central Government Departments. As a matter of fact, it has to be held that this judgment should be treated as judgment in rem so that the benefits as available to the applicants in this O.A are extended to identically situated other employees of the respondents without any need for them to knock at the doors of the Court for claiming such benefits.

16. Counsel for the respondents at the time of hearing made a submission that in so far as pensionary benefits are concerned as there is a change inasmuch as with effect from 1.1.2004 those who are recruited to the service are entitled to contributory pension scheme only and not for any pensionary benefits under CCS (Pension) Rules, 1972, the applicants may be considered for such benefits available to post 1.1.2004 recruits. The contentions of the counsel for the respondents cannot hold good as the regularization of the applicants had taken place much earlier to 1.1.2004 as could be seen from Annexure A-1 order of regularization. As such, as regards pensionary benefits all the applicants and similarly situated individuals are entitled to pensionary benefits under CCS (Pension) Rules, 1972. We reiterate here that this order is passed keeping in view the provisions of Rule 24 of the C.A.T. (Procedure) Rules which include that power to make such orders (to secure ends of justice) treating this judgment as judgment in rem in consonance with para 126.5 of the 5th Pay Commission extracted above."

11. After the aforesaid orders of the various judicial fora, the respondents have finally complied with all the said orders in respect of all the applicants therein vide Annexure A17 Office Order dated 20.11.2012.

12. When the applicants claim for extending all the service benefits, including retiral benefits and pension, etc., which were granted to the applicants in the aforesaid cases, was denied by the respondents, the present OAs have been filed.

13. Heard Shri A.K.Behera, Shri Sridhar Nayak, and Ms. Bimla Devi, the learned counsel appearing for the applicants in their respective OAs and Shri R.Ramachandran and Shri Ms. Lakshmi Gurung, the learned counsel for the respondents in both the OAs, and perused the pleadings on record.

14. The learned counsel on both sides extended lengthy arguments in support of their respective contentions. It is not in dispute that the applicants are identically placed like some of the applicants, i.e., Post-Sanghathan Employees, in **Parshotham Lal & Others v. Union of India** and batch in OA No.675/2009 dated 04.02.2011. Since identical submissions, including the submissions relating to extension of the benefit of the Court orders passed in identical circumstances in respect of identical persons were raised, considered and decided (as extracted in detail hereinabove) in the aforesaid decisions and finally affirmed by the Hon'ble Apex Court in favour of the persons identically placed like the applicants herein, we do not deem it necessary to reconsider the same submissions once again.

15. In the circumstances and for parity of reasons, the OAs are allowed and the impugned orders are quashed and the respondents are directed to extend the same service benefits, including retiral and pensionary benefits to the applicants on par with the Post-Sanghathan applicants in OA No.675/2009 dated 04.02.2011 and batch, within a period of 90 days from the date of receipt of a copy of this order.

However, the applicants are entitled for payment of arrears, if any, from the date of filing of the OA. No costs.

(V. Ajay Kumar)
Member (J)

/nsnrvak/