

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 29
O.A./1209/2024 (CHANDIGARH)
[COMMUTATION]
[SENIOR CITIZEN]
With
M.A./2139/2024
Court No.: 2

No of Adjournment: 2

Order Dated: 14/10/2024

HARBHAJAN LAL
Vs
DEPARTMENT OF TELECOM

For Applicant(s) Advocate : SH. SUKHWINDER SINGH

For Respondent(s) Advocate : SH. SANJAY GOYAL, SR. CGSC

Order of The Tribunal

We have heard learned counsel for both the sides on the claim of interim relief and perused material available on file.

No reply has been filed by the respondents despite reasonable and sufficient opportunities.

This Tribunal after hearing learned counsel for both the sides in identical matters, vide detailed order dated 29.08.2024 in O.A No. 746/2024 has granted the interim relief to the applicants therein.

Learned counsel for the applicant submits that the interim relief granted by this Tribunal vide order dated 29.08.2024 in earlier O.As has been implemented by the respondents and there is no challenge to the interim order dated 29.08.2024, by the respondents before any higher court, which has not been disputed by learned counsel for the respondents.

However, learned counsel for the respondents vehemently opposed the contention of the applicants seeking interim relief and has placed reliance on the order dated 17.01.2019 in WP(C) No. 1222/2015 and order dated 11.09.2024 in WP(C) No. 12781/2024 passed by the Hon'ble High Court of Delhi. The Hon'ble High Court of

Delhi vide order dated 11.09.2024 has stayed the operation of interim order dated 24.07.2024 passed by the AFT (PB), Delhi.

We have also gone through the judgments referred to by both the sides.

The jurisdictional High Court of Punjab and Haryana vide orders dated 04.09.2024 and 06.09.2024 in CWP(s) No. 22055/2024 and 22441/2024, wherein, the Union of India is also a party, has granted the interim relief to the petitioners therein. Further, the Hon'ble High Court of State of Telangana in Writ Petition No(s). 26042, 25032, 20932 and 24774 of 2024 vide order dated 23.09.2024 has also stayed the recovery of commuted pension from the petitioners therein.

The learned counsel for the applicants further submitted that the interim relief granted by the Hon'ble High Court of Punjab and Haryana dated 18.07.2024 in CWP No. 16291/2024 was assailed by one of the respondent/PNB, before the Hon'ble Supreme Court in SLP No. 17176/2024. The Hon'ble Apex Court has dismissed the SLP as withdrawn vide order dated 09.08.2024. Thereafter, also the jurisdictional High Court has granted interim relief in various CWP(s).

In view of the discussion herein above, the applicants are also entitled to get the same relief at this stage as has been granted to similar situated persons/ pensioners by the Hon'ble Punjab and Haryana High as well as this Tribunal.

Interim relief is granted in the same terms as in O.A(s) No. 746/2024, 742/2024 and 918/2024 vide order dated 29.08.2024. There shall be stay on further recovery of commuted value of pension from the applicants subject to the fact that the applicants have completed 10 years 11 months of retirement.

Since, the issue raised in these O.As is having wider ramifications, therefore, the respondents are directed to file reply, so that the matter can be finally adjudicated expeditiously.

List the matter on 12.12.2024.

Rashmi Saxena Sahni
Member (A)

Suresh Kumar Batra
Member (J)

/ms/