Himachal Pension Scheme Case and Judicial Finality

- Facts of the Case
  - Petitioners
  - 1999 Pension Scheme
  - Review and Repeal
  - Previous Litigation
  - Present Case
    - Writ Petition under Article 32
    - Seeking Same Relief as Previous Round
    - Filed After SC Rajesh Chander Sood Decision
    - Petitioners Contend Rajesh Chander Sood Incorrect
    - Petitioners Argue Rajesh Chander Sood Per Incuriam
- Key Issues and Arguments
  - Petitioners' Arguments
    - Entitlement under 1999 Scheme
    - Vested/Contingent Right by Opting
    - Rajesh Chander Sood Incorrect/Per Incuriam
    - Ignored Binding Precedents
    - Contradicted Itself
    - Cut-off Date Arbitrary (Violation of Article 14)
    - Relied on D.S. Nakara
    - Pension is Vested/Statutory/Property Right (Article 300A)
    - Cannot be Withdrawn Unilaterally
    - Estoppel/Promissory Estoppel Applies
  - Respondents' (State's) Arguments
    - Writ Petition under Article 32 Misconceived
    - Not Maintainable
    - Seeking to Re-litigate Decided Issues
    - Collateral Challenge to Binding Judgment
    - Issues Adjudicated in Rajesh Chander Sood
    - Delay and Laches
    - Rajesh Chander Sood Not Per Incuriam
    - No Glariong Omission of Law
    - Financial Viability Valid Reason
    - Based on High Level Committee Report
    - Petitioners Not State Govt Employees
    - Scheme Welfare Measure, Not Obligation
    - Withdrawal/Cut-off Policy Decision
    - Not Arbitrary
    - Protected Interests of Earlier Retirees
- Decision of the Supreme Court
  - Three-Judge Bench
  - Dismissed Writ Petition
  - Contentions Already Adjudicated in Rajesh Chander Sood
  - Rajesh Chander Sood Negatived Claims of Petitioners
  - SC Decision Cannot be Assailed Directly/Collaterally
  - Proper Remedy: Review or Curative Petition
  - Article 32 Petition to Question SC Judgment Not Permissible
  - Rejected Per Incuriam Argument
  - Rajesh Chander Sood Provided Elaborate Reasons
  - Rajesh Chander Sood Did Not Ignore Binding Precedent
  - Emphasized Finality of Adjudication Process
  - Reopening Litigation Causes Chaos
  - Rajesh Chander Sood is Binding
  - Did Not Impose Costs (Petitioners Retired/Senior Citizens)