

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6048 OF 2010

(with applications for impleadments)

Union of India and another ..Appellants

versus

K. Ganesan (Dead) By Lr. ..Respondent

WITH

CIVIL APPEAL NO. 6371 OF 2010

O R D E R

Civil Appeal No. 6048/2010

Having heard learned counsel for the appellants, and having perused the record of the case, we find no justification whatsoever to interfere with the impugned order, directing restoration of 2/3rd pension in respect of the respondent herein, after the expiry of the requisite period of commutation.

The instant appeal is accordingly dismissed.

IA Nos. 2/2008, 3/2009, 4/2010 & IA 5/2013 in CA No.6048/2010

We find no justification in entertaining the instant interlocutory applications on behalf of persons who had not availed of their remedy before the competent Court. It would be inappropriate for us to examine the veracity of their claims, in the first instance.

We accordingly decline the prayer for impleadment, and while doing so, grant liberty to the applicants to seek an appropriate alternate remedy, as may be available to them, in accordance with law.

The applications for impleadment are accordingly disposed of in the aforesaid terms.

Civil Appeal No. 6371 of 2010

Heard learned counsel for the rival parties.

In view of dismissal of Civil Appeal No. 6048 of 2010 by us today (Union of India and another vs. K. Ganesan (Dead) By Lr.), this appeal has to be accepted.

Accordingly, the instant appeal is allowed. The impugned order of the High Court is set aside. It is directed that the appellants shall be entitled for restoration of their 2/3rd pension, after the expiry of the requisite period of commutation.

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI;
SEPTEMBER 01, 2016.

.....J.
[ARUN MISHRA]

ITEM NO.104

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6048/2010

UNION OF INDIA & ANR.

Appellant(s)

VERSUS

K.GANESAN (DEAD) BY LRS.

Respondent(s)

(with appln(s) for amendment of the impleadment application and impleadment and office report)

WITH

C.A. No. 6371/2010 (with Office Report)

W.P. (C) No. 1028/2013

(With (With appln.(s) for permission to file additional documents and appln.(s) for interim relief and Office Report)

Date : 01/09/2016 These appeals/petition were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. P.S. Patwalia, ASG
in CA No. 6048/2010 Mr. K. Radhakrishnan, Sr. Adv.
& for respondent(s) Mr. Tushar Bakshi, Adv.
In connected cases Ms. Gunwant Dara, Adv.
Mr. Arijit Prasad, Adv.
for Mr. B. Krishna Prasad, AOR

For Appellant(s) Dr. K.B. Sounder Rajan, Adv.
In CA No.6371/2010 Ms. Shriya Raj Chauhan, Adv.
& for respondent for Mr. Sudarshan Rajan, AOR
in CA 6048/2010

For Petitioner(s) Mr. Saransh Jain, Adv.
In WP 1028/2013 Mr. Priyadarshi Banerjee, Adv.
Mr. Naresh Kumar, Adv.
for Mr. E.C. Agrawala, AOR

For Respondent(s) Mr. M.N. Krishnamani, Sr. Adv.
(applicant(s) in Mr. K. V. Mohan, Adv.
IA 2 & 4 in CA No. Mr. K.V. Balakrishnan, adv.
6048/2010)

Mr. Sumit Attri, AOR

Ms. Shipra Ghose, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No. 6048/2010 stands dismissed in terms of the signed order.

The applications for impleadment stand disposed of in terms of the signed order.

Civil Appeal No. 6371 of 2010 stands allowed in terms of the signed order.

At the request of the learned counsel for the petitioners, and in the interest of justice, list Writ Petition No. 1028/2013 for hearing on 07.09.2016.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[signed order in Civil Appeals is placed on the file]