

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO(S).938-939 of 2017  
(Arising out of SLP(C)No(s).14949-14950 of 2016)

CENTRAL TIBETAN SCHOOL ADMINISTRATION

Appellant(s)

VERSUS

R. P. KALIA AND ANR.

Respondent(s)

O R D E R

Leave granted.

These appeals have been preferred against judgments and orders passed by the High Court of Delhi on 4<sup>th</sup> April, 2016 and 28<sup>th</sup> September, 2015 in Writ Petition (C)No.5935 of 2003 and Review Petition No.168 of 2016 respectively.

Respondent no.1 was employed as Assistant with the appellant, after his retirement from Indian Air Force as combatant clerk. On account of certain allegations against him, a departmental enquiry was held and on charge being established, penalty of compulsory retirement was imposed against him. The same has been set aside by the High Court and respondent no.1 was ordered to be reinstated with 50% backwages. It was held that there was no delay on the part of respondent no.1, in informing the Pension Disbursing Authority, about his re-employment. It was thus held by the High Court that the penalty was excessive.

Heard learned counsel for the parties.

We are satisfied that there was no ground for interference by the High Court with the penalty imposed against respondent

no.1 as the charge against him was established, justifying the penalty imposed. Accordingly, we set aside the impugned order(s) and uphold the penalty.

However, since respondent no.1 had completed almost 10 years of service, which was a condition for pension but the said period was slightly short of ten years, it will be in the interest of justice to treat the period already served by respondent no.1 to be equal to 10 years so as to entitle him to the terminal benefits. We order accordingly. Arrears of terminal benefits which may be due to respondent no.1 may be worked out and disbursed to him within a period of three months from today. These appeals are accordingly allowed. No costs.

Applications, if any, shall also stand disposed of.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
JANUARY 24, 2017.

ITEM NO.13

COURT NO.11

SECTION XIV

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

Petition(s) for  
Special Leave to Appeal (C) No(s). 14949-14950/2016

(Arising out of impugned final judgment and order dated 04/04/2016  
in RP No. 168/2016, 28/09/2015 in WPC No. 5935/2003 passed by the  
High Court Of Delhi At New Delhi)

CENTRAL TIBETAN SCHOOL ADMINISTRATION Petitioner(s)

VERSUS

R. P. KALIA AND ANR Respondent(s)  
(With interim relief and office report)

Date : 24/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Anil Shrivastav,Adv.

For Respondent(s) Mr. Mukesh Jain,Adv.  
Ms. Asha Jain Madan,Adv.  
Ms. Madhu Talwar,Adv.  
Ms. Ritika Seth,Adv.

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

Leave granted.

In terms of the signed order, these appeals are allowed:

"....Accordingly, we set aside the impugned order(s) and uphold the penalty.

However, since respondent no.1 had completed almost 10 years of service, which was a condition for pension but the said period was slightly short of ten years, it will be in the interest of justice to treat the period already served by respondent no.1 to be equal to 10 years so as to entitle him to the terminal benefits. We order accordingly. Arrears of terminal benefits which may be due to respondent no.1 may be worked out and disbursed to him within a period of three months from today. These appeals are accordingly allowed. No costs.

Applications, if any, shall also stand disposed of."

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)