

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal No. 2926/2019
(arising out of SLP(C) No. 31236/2017)

UNION OF INDIA & ORS.

Appellants

VERSUS

K. GANESAN

Respondent

O R D E R

Leave granted.

We have heard learned counsels for the parties. The claim of the respondent, who was the writ petitioner before the High Court, was for grant of benefit of the higher grade pay of Rs.4200/- under the Modified Assured Career Progression (MACP) Scheme in force.

The respondent/writ petitioner who joined service as a Constable in the Railway Protection Force had opted to be absorbed in the lower post of Khalasi and earned three promotions from the said post of Khalasi. Contending that his entry should be reckoned from the post of Constable, he sought benefit under the MACP scheme, which has been allowed by the High Court. Aggrieved, the Union of India is in appeal before this Court.

During the pendency of the present proceedings, the respondent/writ petitioner has retired.

Having considered the matter and keeping in mind that the respondent has retired, we are of the view that in the peculiar facts of the case, the ends of justice would be met if the benefit of the claimed grade pay of Rs.4200/- is granted to the respondent on a notional basis

and only for the purposes of computation of pension. We make it clear that no monetary payment apart from the pension amount that may stand enhanced need to be given to the respondent/writ petitioner. We also make it clear that the present order will not operate as a precedent for future.

With the aforesaid directions, the order of the High Court is modified and the appeal is disposed of.

.....CJI
[Ranjan Gogoi]

.....J.
[Deepak Gupta]

.....J.
[Sanjiv Khanna)

New Delhi;
March 12, 2019.

ITEM NO.4

COURT NO.1

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

Petition for Special Leave to Appeal (C) No. 31236/2017

(Arising out of impugned final judgment and order dated 06-04-2017 in WP No. 38328/2015 passed by the High Court Of Judicature At Madras)

UNION OF INDIA & ORS.

Petitioners

VERSUS

K. GANESAN

Respondent

Date : 12-03-2019 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioners

Ms. Alka Aggarwal, Adv.
Ms. Reena Pandey, Adv.
Ms. Snidha Mehra, Adv.
Mr. C. Papta, Adv.
Ms. Kirti Dua, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Arun Kumar Yadav, Adv.
Mrs. Anil Katiyar, AOR

For Respondent

Mr. P.V.S. Giridhar, Adv.
Mr. Raghavendra S. Srivatsa, AOR
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master

(signed order is placed on the file)