

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.8226 OF 2016**

SHIV PRAKASH SAXENA & ORS.

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 16364-16366 OF 2017

CIVIL APPEAL NOS. 16367-16369 OF 2017

TRANSFER PETITION (CIVIL) NO. 321 OF 2011

TRANSFER PETITION (CIVIL) NO. 323 OF 2011

SPECIAL LEAVE PETITION (CIVIL) NO. 4937 OF 2020

ORDER

CIVIL APPEAL NO. 8226 OF 2016

CIVIL APPEAL NOS. 16364-16366 OF 2017

CIVIL APPEAL NOS. 16367-16369 OF 2017

SPECIAL LEAVE PETITION (CIVIL) NO. 4937 OF 2020

In these cases, the issue is whether under Voluntary Retirement Scheme of 1994, full commutation of pension be allowed or it ought to be one third.

The impugned order was passed relying upon the case of ***Welfare Association of Absorbed Central Government Employees in Public Enterprises and others vs. Union of India and another*** (1996) 2 SCC 187.

After hearing the learned counsel for the parties and after thirty years down the line of the Scheme and the fact that the appellants/petitioners have received the benefit of full commutation of pension, at present, we do not deem it appropriate to deal with the issue in detail. At this stage, we are not inclined to interfere with the impugned order by afflux of time. Accordingly, we dispose of these Civil Appeals and Special Leave Petition leaving the question of law open. Pending application(s), if any, stands disposed of.

TRANSFER PETITION (CIVIL) NO. 321 OF 2011
TRANSFER PETITION (CIVIL) NO. 323 OF 2011

In view of the aforesaid order passed today in Civil Appeal No. 8226 of 2016 and batch, learned counsel for the parties contend that these Transfer Petitions be treated as disposed of. Ordered accordingly.

.....**J.**
(J.K. MAHESHWARI)

.....**J.**
(SANJAY KAROL)

NEW DELHI;
APRIL 25, 2024.

ITEM NO.104

COURT NO.9

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 8226/2016

SHIV PRAKASH SAXENA & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 138335/2019 - APPLICATION FOR SUBSTITUTION and IA No. 3/2016 - APPLICATION FOR TRANSPOSITION and IA No. 74899/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 16364-16366/2017 (XII)
(IA No. 195505/2019 - EARLY HEARING APPLICATION)

C.A. No. 16367-16369/2017 (XII)

T.P.(C) No. 321/2011 (XVI)
(IA No. 1/2011 - STAY APPLICATION)

T.P.(C) No. 323/2011 (XVI)
(IA No. 1/2011 - STAY APPLICATION)

SLP(C) No. 4937/2020 (XIV)
(IA No. 124438/2022 - APPLICATION FOR SUBSTITUTION and IA No. 124440/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 25-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s)

Mr. Manoj Swarup, Adv.
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Mr. Ashwin. K, Adv.
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For Respondent(s)

Mr. Sanjay R Hegde, Sr. Adv.
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Mr. Vijay Kumar Dwivedi, Adv.
Mr. Satender Kumar, Adv.
Mr. Santosh Kumar, Adv.
Mr. Raja Ram Tripathi, Adv.
Ms. Shudha Mishra, Adv.
Mr. Rohit Pandey, Adv.

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

The civil appeals, special leave petition and transfer petitions are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]