

ITEM NO.17

COURT NO.13

SECTION XI

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 40739/2019

(Arising out of impugned final judgment and order dated 15-03-2019 in WA No. 10015/2001 passed by the High Court Of Judicature At Allahabad)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

MUSTAQ AHMAD KHAN

Respondent(s)

(IA No.184027/2019-CONDONATION OF DELAY IN FILING and IA No.184030/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Madhvi Divan, ASG
Mr. Anmol Chandan, Adv.
Mr. Ayush Puri, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Abhishek Krishna, Adv.
Mr. Arvind S. Avhad, AOR

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

Delay condoned.

By the impugned judgment, the High Court set aside the orders of the disciplinary authority and the Central Administrative Tribunal relating to compulsory retirement. The High Court directed that the respondent is entitled to all consequential benefits. In the meanwhile the respondent had attained the age of superannuation in the year 2002.

Having heard Mrs. Madhavi Divan, learned Additional Solicitor General for the petitioners and Mr. Abhishek Krishna, learned counsel for the respondent, who is on Caveat, we decline to interfere in the order of the High Court on merits. However, we find that the High Court may not be justified in awarding back wages in favour of the respondent under the facts and circumstances of this case. The respondent has not worked from 2.4.1991 till the date of superannuation. It is also not in dispute that the respondent is being paid pensionary benefits based on the order of compulsory retirement. If it is so, in our considered opinion, the respondent will continue to get the pension in accordance with law. The period from 2.4.1991 till the age of superannuation shall be taken into consideration for fixation of pension. However, the respondent is not entitled to the arrears of salary from 2.4.1991 till the date of superannuation.

The special leave petition is, accordingly, disposed of.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER