

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 42491/2019

(Arising out of impugned final judgment and order dated 13-03-2019 in WP No. 3764/2018 passed by the High Court Of Karnataka At Bengaluru)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

ASHISH GHOSHAL

Respondent(s)

(FOR ADMISSION and I.R. and IA No.195634/2019-CONDONATION OF DELAY IN FILING)

Date : 11-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Madhvi Divan, Ld. Asg
Mr. Gurmeet Singh Makker, AOR
Ms. Vimla Sinha, Adv.
Ms. Sakshi Kakkar, Adv.

For Respondent(s) Mr. Radha Shyam Jena, AOR

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

Delay condoned.

We really see no point in the special leave petition as the operative portion in para 12 itself provided a caveat to the relief granted by the High Court to the respondent inasmuch as it had observed that in the event of Supreme Court coming to a different conclusion, the judgment of the Supreme Court would be made applicable. The legal position which

emerges is that judgment was delivered on 05.03.2020 in C.A. No. 2016 of 2020, *Union of India & Ors. vs. M.V. Mohanan Nair* which settles the issue against the respondent. Thus, naturally the benefits cannot be availed of by the respondent in terms of the impugned judgment.

Learned counsel for the respondent still seeks to contend that such benefits were extended to Smt. T.P. Leena and the case of the respondent is similar to that and if Smt. Leena is permitted to retain the benefits, the respondent should identically be permitted to retain the benefits as this would be case of recovery and it is a one of case.

We consider appropriate to direct the petitioner to examine the case of the respondent in view of the aforesaid submission and considering that the respondent is on the verge of retirement, take a decision that if the case of the respondent is a one of case, apart from the case of Smt. Leena, then recovery from the respondent can be dispensed with.

The necessary decision be taken within three months from today.

The special leave petition stands disposed of.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR