

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 10434/2017

PRANAB MUKHERJEE

Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The appellant was dismissed from service some time in the year 2003 when he still had about 10 years of service left. Criminal proceedings were also initiated against the appellant which resulted in his discharge.

We are of the view that the forfeiture of the appellant's gratuity which is in the region of Rs.99,431/- ought not to have been withheld by the State considering the peculiar facts of this case and the loss of service suffered by the appellant for about 10 years and his discharge in criminal proceedings.

Under the circumstances, we set aside the order passed by the High Court.

The civil appeal is allowed.

The aforesaid amount be handed over to the appellant within a period of two months from today, failing which it will carry interest of 12% per annum with effect from 2003.

.....J.  
[MADAN B. LOKUR]

.....J.  
[DEEPAK GUPTA]

NEW DELHI;  
AUGUST 11, 2017.

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

Civil Appeal No(s). 10434/2017  
@ SLP (C) No. 13789/2015

PRANAB MUKHERJEE

Appellant(s)

VERSUS

STATE OF WEST BENGAL &amp; ORS.

Respondent(s)

Date : 11-08-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. P.S. Datta, Sr. Adv.  
Mr. Abdul Kader, Adv.  
Mr. D.F. Mohanty, Adv.  
Mr. Fuzail Ahmad Ayyubi, AOR

For Respondent(s)

Mr. Saurabh Mishra, AOR  
Mr. Abhishek Singh, Adv.  
  
Mr. Raja Chatterjee, Adv.  
Mr. Adeel Ahmed, Adv.  
Mr. Piyush Sachdev, Adv.  
Mr. Chanchal Kumar Ganguli, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

(MEENAKSHI KOHLI)  
COURT MASTER

(SHARDA KAPOOR)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]