

ITEM NO.105

COURT NO.3

SECTION XI-B

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). 7032/2011

CHIEF GENERAL MANAGER,
BHARAT SANCHAR NIGAM LTD. & ORS.

Appellant(s)

VERSUS

K.V.VIJAYAN (DEAD) & ANR.

Respondent(s)

(IA No. 314056/2025 - APPLICATION FOR ABATEMENT IA No. 314057/2025 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT IA No. 12702/2024 - APPLICATION FOR SUBSTITUTION IA No. 12705/2024 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 26-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) : Mr. Ankur Mittal, AOR
Ms. Sabhya Jain, Adv.
Mr. Ankush Kumar, Adv.

For Respondent(s) : Ms. Sanjana, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Piyush M. Dwivedi, Adv.
Mr. Abhishek Dwivedi, Adv.
Mr. Amrish Kumar, AOR

Mr. M.R. Hari Raj, Sr. Adv.
Mr. Rajiv Shankar Dwivedi, AOR
Mr. S.K. Sarkar, Adv.
Ms. Sugandha Bhardwaj, Adv.
Ms. Snigdha Singh, Adv.
Mr. Bhushan, Adv.
Ms. Priya, Adv.
Ms. Priyanka Parmar, Adv.
Ms. Sweta Singh, Adv.

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

1. After hearing learned counsel for the parties and looking to

the subsequent development whereby the employee against whom the issue of annuity is involved has already been expired in the year 2021, his wife is getting the family pension. The consequential effect of the order impugned is that the Department has to pay 50% back wages during the service period till his reinstatement. Since the person has already expired, however the question of awarding of penalty does not arise. Therefore, it would be in the fitness of things that the Department may consider not to pay any back wages during his service tenure and to pay the post-retiral and pensionary benefits as they are paying after his retirement during the life time to the employee and after his death to the family.

2. Learned counsel for the appellant may seek instructions on the matter.
3. List on 23.03.2026 in the category of directions matters.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR