

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 432 OF 2011
(@ SPECIAL LEAVE PETITION(C)NO.7119 OF 2006)

LAXMI BAI ... APPELLANT(S)

VERSUS

UNION OF INDIA & ANR. ... RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the appellant and learned Solicitor General of India.

This appeal emanates from the judgment and order dated 12.3.2004 of the Rajasthan High Court delivered in D.B.Civil Writ Petition No.2282 of 1998. By the impugned judgment, the High Court has reversed the judgment of the Central Administrative Tribunal, Jaipur.

Learned counsel for the appellant submits that the husband of the appellant-Chauthmal was regularized in service vide order dated 8.5.1972. Once he was regularized in the year 1972 then the question of his getting screened for regularization in the year 1977 did not arise. In this case the husband of the appellant admittedly died in 1975 but before that he was regularized. In this view of the matter, the impugned judgment of the High Court cannot be sustained. Consequently, the appellant would be entitled to all consequential benefits, including family pension.

We direct the respondents to ensure that the outstanding payment, including the family pension is granted to the appellant within three months.

This appeal is, accordingly, disposed of, leaving the parties to bear their own costs.

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
10TH JANUARY, 2011

SUPREME COURT OF INDIA



JUDGMENT