

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NOS.170-200 OF 2004

UNION OF INDIA & ORS. ... PETITIONER(S)

VERSUS

R.A.K. NAIR & ORS. ... RESPONDENT(S)

WITH

T.C.(C)NO.....OF 2014  
@ TRANSFER PETITION(C)NOS.846-855 OF 2002

O R D E R

T.P.(C)Nos.170-200 of 2004:

1. In all these Transfer Petitions, the petitioners- Union of India and others have sought for the following reliefs/prayers:

"It is, therefore, most respectfully prayed that Your Lordships may graciously be pleased to take up the matter for consideration allow the petition and pass appropriate order for withdrawal of writ petitions pending before different High Courts, namely, Writ Petition No.16476 of 2002 - Lt. Col. RAK Nair (Retd.) vs. Union of India and others pending in High Court of Kerala, Writ Petition No. 21818 of 2002 - Col.MPA George (Retd.) Vs. Union of India and others pending in High Court of Kerala, Writ Petition Nos.10290-10295 of 2002 - Lt. Col.MAS Warriar (Retd.) Vs. Union of India and others pending in High Court of Madras, Writ Petition No.12574 of 2002 - Col.A.Rajagopal (Retd.) Vs. Union of India and others pending in High Court of Madras, Writ Petition NO.12575 of 2002 - Col.A.Natesan (Retd.) Vs. Union of India and others pending in High Court of Madras, Writ Petition No.46502 of 2002 in W.P.No.31928 of 2002 - Col.M.Venkataramn (Retd.) Vs. Union of India and others pending in High Court of Madras, Writ Petition Nos.24848-24854 of 2002 - Armed Forces Medical Dental and Vet.Officers' Pension Association Vs. Union of India and others pending in High

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Court of Karnataka, Writ Petition Nos.32816-32818 of 2002 - Armed Forces Medical Dental and Vet.Officers' Pension Association Vs. Union of India and others pending in High Court of Karnataka, Writ Petition No.10497 of 2002 - Brig.Harkirat Singh (Retd.) Vs. Union of India and others pending in High Court of Punjab and Harayana at Chandigarh, Writ Petition No.7388 of 2002 - Lt.Col.G.Kameshwar Rao (Retd.) Vs. Union of India and others pending in High Court of Judicature of Andhra Pradesh, Writ Petition No.5233 of 2002 - Maj.Gen.S.B.Sen (Retd.) Vs. Union of India and others pending in High Court of Delhi, Writ Petition No.1892 of 2002 - Maj.Gen.M.L.Magotra (Retd.) Vs. Union of India and others

pending in High Court of Jammu and Kashmir at Jammu, Writ Petition No.2376 of 2002 - Brig.V.N.Seth (Retd.) Vs. Union of India and others pending in High Court of Allahabad, Writ Petition No.3513 of 2002 - Lt.Col.L.M.Khanna (Retd.) Vs. Union of India and others pending in High Court of Delhi, Writ Petition NO.1733 of 2002 -Wg.Cdr.SN Jaiswal (Retd.) Vs. Union of India and others pending in High Court of Allahabad, Writ Petition No.22773 of 2002 - Brig.K.Gangadharan (Retd.) Vs. Union of India and others pending in High Court of Madras, Writ Petition No.18161 of 2002 - Col.K.Venkata Raman (Retd.) Vs. Union of India and others pending in High Court of Madras and Writ Petition No.1019 of 2003 - Col.R.S.Bhasin Vs. Union of India and others pending in High Court of Allahabad, Bench at Lucknow and transfer to this Hon'ble Court for disposal of all the cases by itself on merit, and/or pass such other order and further order or orders as Your Lordships may deem fit and proper under the circumstances of the case. We further request that this Hon'ble Court may grant us liberty to request for inclusion of any other similar Writ Petition for similar transfer which if filed now onward in any other High Court during the pendency of this Transfer Petition."

2. Shri Qadri, learned counsel appearing for the petitioners would

submit that the prayers sought for in the Writ Petitions do not survive for consideration by the respective High Courts for the reason that the aforesaid issue has been decided by this Court in the case of Col.B.J.Akkara (Retd.) v. Government of India & Ors., (2006) 11 SCC 709. However, Shri Dipak Kumar Jena, learned counsel appearing for the respondent(s) would contend that the

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issue raised and considered is squarely covered by the decision in the case of K.C.Bajaj & Ors. vs. Union of India & Ors., Civil Appeal Nos.10640-46 of 2013 etc. decided on November 27, 2013 and submit that the Writ Petitions filed by the petitioners before the various High Courts require to be decided in light of the principles enunciated by this Court in the case of K.C.Bajaj & Ors.(supra).

3. We do not intend to enter into the merits of contentions canvassed

by the learned counsel appearing for the parties to the lis. In our considered opinion, instead of accepting the prayers made by the petitioner(s) for transferring the several cases pending before various High Courts, it would be sufficient if we request the respective High Court(s) to consider whether the prayers made in the Writ Petitions be decided in the light of the principles

laid down by this Court in the case of Col.B.J.Akkara's case (supra) or in accordance with the principles laid down by this Court in the case of K.C.Bajaj (supra).

4. Accordingly, we remand the matter back to the respective High Court(s) with a request to the High Court(s) to consider that whether the prayers made in the Writ Petitions be decided in the light of the principles laid down by this Court in the case of Col.B.J.Akkara's case (supra) or in accordance with the principles laid down by this Court in the case of K.C.Bajaj (supra) and thereafter, decide the prayers sought for by the petitioners therein.

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5. All the contentions of both the parties are left open.

6. These Transfer Petitions are disposed of accordingly.

T.C.(C)..... of 2014 @ T.P.(C)Nos.846-855 of 2002:

These Transfer Cases are also disposed of as having become infructuous inasmuch as these Transfer Cases arise out of Transfer Petition (C) Nos. 846-855 of 2002 and connected matters, wherein various Writ Petitions were pending before the High Court, which have already been disposed of by the concerned High Court(s).

Ordered accordingly.

.....J.  
( H.L. DATTU )

.....J.  
( S.A. BOBDE )

NEW DELHI;  
APRIL 22, 2014.

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ITEM NO.1 COURT NO.3 SECTION XVIA

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

TRANSFER PETITION (CIVIL.) NO(s). 170-200 OF 2004

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

R.A.K. NAIR & ORS. Respondent(s)  
(With appln(s) for exemption from filing O.T. and office report  
for diretion )

WITH T.C.(C)NO..../2014 @ T.P.(C)NOS.846-855/2002

Date: 22/04/2014 These Petitions/cases were called on for  
hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr.S.W.A.Qadri, Adv.  
Mr.Shailender Sharma, Adv.  
Mr.Yasir Rauf, Adv.  
For Mr.B.V.Balram Das, Adv.  
for Ms. Sushma Suri,Adv.

For Respondent(s) Mr.Dipak Kumar Jena ,Adv  
Mr.Harish Shukla, Adv.  
  
Mrs.D. Bharathi Reddy,Adv.  
  
Mr. A.P. Mohanty ,Adv  
  
Mr. A. Raghunath ,Adv  
  
Mr. Ghanshyam Joshi ,Adv

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

The Transfer Petitions and the Transferred Cases are  
disposed of, in terms of the signed order.

(G.V.Ramana)  
Court Master  
(Signed order is placed on the file)

(Vinod Kulvi)  
Asstt.Registrar