

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.2966 OF 2011

Union of India and Others

Appellant(s)

Versus

S.P.S. Vains and Others

Respondent(s)

W I T H

**CONMT.PET.(CIVIL) NO.64/2009
IN
CIVIL APPEAL NO.5566/2008**

O R D E R

Placing reliance on Annexure-I to the compliance affidavit filed in pursuance of the Court's order dated 8th December, 2017, it is submitted by Ms. Pinky Anand, learned Additional Solicitor General that the Union of India is extending the benefit to all Major Generals and equivalent ranks of Army, Navy and Air Force, who retired/died prior to 01.01.2006, though they have not filed any litigation. For the sake of completeness, we think it appropriate to reproduce the entire letter:-

**"No.4(110)2207/D(Pen/legal) Vol.IV
Government of India
Ministry of Defence
Department of Ex-Servicemen Welfare
D (Pension/Legal)**

Sena Bhawan,
New Delhi, dated 16.04.2018

To

The Principal Controller of Defence Accounts (Pension)
The Principal Controller of Defence Accounts (Navy)
The Joint Controller of Defence Accounts (Air force)

Subject: Implementation of Hon'ble AFT Chandigarh order dated 04.03.2010 passed in OA No.100/2010 filed by SPS Vains (Retd.) & 52 Others

The undersigned is directed to refer to Govt. of India, MoD, Deptt. Of Ex-Servicemen Welfare's letter No.4(140)2010/D(Pen/Legal) Vol.III dated 10.08.2015 issued for implementation of Hon'ble Armed Forces Tribunal, Chandigarh's order dated 04.03.2010 directing respondents to implement the decision of the Hon'ble Supreme Court dated 09.09.2008 rendered in SLP(Civil) No.12357 of 2006 [Union of India vs. SPS Vains (Retd.) and 52 others] in the matter of fixation of pension of the pre-2006 retiree petitioners. As per ibid sanction the benefit of revision of pension to Maj Gen SPS Vains (Retd.) and 52 other petitioners was to be paid w.e.f.01.01.2006 after notional fixation of pay in the revised 6th CPC Pay Scales in terms of SAI2/S/2008 and corresponding instructions for equivalent ranks in Navy and Air Force.

2. It has now been decided to allow similar benefit of revision of pension/family pension to all Major Generals and equivalent ranks of Navy and Air Force who retired/died prior to 01.01.2006.

3. Para 4 of the ibid sanction letter No.4(140)2010/D(Pen/Legal) Vol.III dated 10.08.2015 may be treated as deleted.

4. This issues with the concurrence of Ministry of Defence (Fin/Pen) vide their U.O. No.17(04)/2015/Fin/Pen dated 03.04.2018 and Department of Expenditure, Ministry of Finance vide their ID No.C-44/E-V/2008-Vol.II dated 28.03.2018.

(Ajay Kumar Agrawal)
Under Secretary to the Govt. of India"

In view of the aforesaid decision taken by the Union of India, nothing remains to be adjudicated in this civil appeal and, accordingly, it stands disposed of. There shall be no order as to costs.

As a decision has been taken to confer the benefit, the Union of India shall comply with the decision within twelve weeks hence.

Contempt Petition (C) No.64/2009 in Civil Appeal No.5566/2008

In view of the order passed in Civil Appeal No.2966 of 2011, the contempt proceedings stand dropped.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi,
April 24, 2018.

ITEM NO.1

COURT NO.1

SECTION XVII

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.2966/2011

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

S.P.S. VAINS & ORS.

Respondent(s)

(With appln.(s) for stay)

WITH CONMT.PET.(C) No.64/2009 In C.A. No.5566/2008 (IV)

Date : 24-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

Ms. Pinky Anand, ASG
Mr. Anukul C. Pradhan, Sr. Adv.
Mr. Bharat Singh, Adv.
Mr. Santosh Kumar, Adv.
Mr. M.K. Maroria, Adv.
Mr. Merusagar Samatary, Adv.
Ms. Kirti Dua, Adv.
Ms. Lhingneivah, Adv.
Mrs. Anil Katiyar, AOR

CP 64/2009

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Puneet Varshney, Adv.
Ms. Vriti Gujral, Adv.
Ms. S. Janani, AOR

For Respondent(s)

Ms. S. Janani, AOR

Mrs. Anil Katiyar, AOR

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

Civil Appeal No.2966/2011

The appeals are disposed of in terms of the signed order.

The interlocutory applications, if any, stand disposed of.

Contempt Petition (C) No.64/2009 in Civil Appeal No.5566/2008

The contempt proceedings stand disposed of in terms of the signed order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)