

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.2776 OF 2009

BOARD OF APPRENTICESHIP TRAINING (SR) AND ANR. APPELLANT(S)

VERSUS

M. ANBUMANI AND ORS.

RESPONDENT(S)

J U D G M E N TKURIAN, J.

Heard Mr. A.N.S. Nadkarni, learned Additional Solicitor General of India appearing for the appellants and Mr. M.A. Krishnamoorthy, learned counsel appearing for respondent No.1.

2. The simple issue arising in this appeal is, as to whether respondent No.1 would be entitled to pension, though he has not opted for that. It appears, taking note of the peculiar facts and circumstances of the case, the High Court has granted an order in his favour. As rightly pointed out by the learned Additional Solicitor General of India, pension is not available to a person who has not opted for the same, within the time permitted for the option.

3. However, having regard to the peculiar facts, as disclosed by the High Court in the judgment, we are of the view that this is a fit case where we should exercise our jurisdiction under Article 142 of the Constitution of India and retain the benefits granted to Respondent No.1 by the High Court.

4. Therefore, this appeal is disposed of making it clear that the impugned judgment shall not be treated as a precedent as the same is rendered only on the peculiar facts of the case and it shall not be treated as law for any other purpose.

5. Pending applications, if any, shall stand disposed of.

6. There shall be no orders as to costs.

.....J.  
[KURIAN JOSEPH]

.....J.  
[R. BANUMATHI]

NEW DELHI;  
AUGUST 09, 2017.