

## CIVIL APPELLATE JURISDICTION

I.A. NO. 1

IN

CIVIL APPEAL NO. 3396 OF 2005

UNION OF INDIA &amp; ANOTHER

.....APPELLANTS

VERSUS

DIPINDER SINGH  
RESPONDENT

.....

## ORDER

We have heard learned counsel for the parties.

Mr. P.S. Patwalia, learned senior counsel, appearing for the respondent, has brought to our notice the order dated 14.12.2004 passed by Ministry of Defence. The same is re-produced as under:

"Subject: CC 6334 of 2004 titled UOI Vs. Major Dipinder Singh arising out of LPA 387/2003 in CWP No. 12138/95: Major Dipinder Singh Vs. UOI and others at Punjab & Haryana High Court, Chandigarh.

Reference AHQ MS (Legal) note No. 200001/1/AC/7/MS Legal dated 26 October, 2004 and 18 November, 2004 on the above subject.

2. The Government have deliberated on the matter and based on the advice rendered by ASG, CGSC, LA(Def) and MS (Legal) agreed to accept the following proposal of AHQ:-

(a) Notionally reinstate ex-Major Dipinder Singh in service w.e.f. 26th May, 1993 and retire him from service on 12th December, 2001 and give him the pensionary benefits as applicable under the rules.

(b) No back wages are to be paid.

(c) Consider him for grant of Lt. Col. (TS) by Army Hqrs as per the policy.

3. The above stand of the Government could be informally discussed with the Government contesting the petition so that some settlement could be reached in the matter. counsel  
amicable

(S.D.Banga)

Under Secretary (MS)

Tel. 23013233

Army Hqrs/MS(Legal)

In pursuant to that order, the respondent has filed an application for settlement and a reply affidavit has been filed by the appellants. According to that, the parties are agreed on the following terms of settlement:

- i) Notional reinstatement of the respondent in service w.e.f. 26.05.1993 and retire him from service on 12.12.2001 with pensionary benefits as applicable under the rules.
- ii) No back wages to be paid.
- iii) Consider the respondent for grant of Lt. Col. (TS) rank, as per the policy existing during the relevant period."

In view of the above settlement arrived at between the parties, I.A. No. 1 stands disposed of.

Learned senior counsel appearing for the Union of India undertakes to give all the benefits to the respondent within four months from today.

In view of disposal of I.A. No. 1, no further orders are necessary to be passed in this appeal. The appeal stands disposed of accordingly. The parties to bear their own costs.

..... J.  
[ DALVEER BHANDARI ]

.....J.  
[ HARJIT SINGH BEDI ]

NEW DELHI  
AUGUST 22, 2008  
ITEM NO.2

COURT NO.9

SECTION IV

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A. No.1 in  
CIVIL APPEAL NO(s). 3396 OF 2005

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

DIPINDER SINGH

Respondent(s)

(With appln.(s) for settlement and office report)

Date: 22/08/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Appellant(s) Mr. C. Radhakrishan, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. B.K. Prasad, Adv.

Mrs Anil Katiyar, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.

Mr. Sudhir Nandrajog, Adv.

UPON hearing counsel the Court made the following  
ORDER

I.A. No. 1 and Civil Appeal stand disposed of in terms of

signed order. The parties to bear their own costs.

(Pardeep Kumar)

(Neeru Bala Vij)

Court Master

Court Master

[ SIGNED ORDER IS PLACED ON THE FILE ]