

ITEM NO.102

COURT NO.2

SECTION III-A

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(s). 2463/2015

ASSISTANT GENERAL MANAGER & ORS.

Appellant(s)

VERSUS

RADHEY SHYAM PANDEY

Respondent(s)

[TO GO BEFORE THREE HONBLE JUDGES]

WITH

C.A. Nos. 2287-2288/2010 (IV)

C.A. Nos. 5035-5037/2012 (XVI)

C.A. No. 10813/2013 (III-A)

SLP(C) No. 3056/2017 (XV)

(I.A. No. 49301/2017-APPROPRIATE ORDERS/DIRECTIONS)

S.L.P.(C)...CC No. 1864/2017 (XV)

(I.A. No. 49234/2017-CLARIFICATION/DIRECTION)

S.L.P.(C)...CC No. 1912/2017 (XV)

(I.A. No. 49238/2017-CLARIFICATION/DIRECTION)

SLP(C) No. 36937/2017 (XIV)

(IA 110471/2018-DISMISSAL OF SLP)

Date : 20-02-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Mr. N.K. Kaul, Sr. Adv.
Mr. Sanjay Kapur, AOR
Mr. Bharath Gangadharan, Adv.
Mr. Megha Karnwal, Adv.
Mr. Kauser Husain, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Rajat K., Adv.
Ms. Rajyalakshmi Kaushik, Adv.
Mr. Vivek Kishore, AOR

For Respondent(s)

Mrs. K. Sarada Devi, AOR

Mr. Kamini Jaiswal, AOR

Mr. Rajesh Kumar-I, Adv.

Mr. Anand Gautam, Adv.

Ms. Shruti Vats, Adv.

Ms. Khushboo Aggarwal, Adv.

Mr. Debayan Banerjee, Adv.

Mr. Anmol Mehta, Adv.

M/S. Mitter & Mitter Co., AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Saksham Maheshwari, Adv.

Mr. Hari Shankar Jain, Adv.

Mr. Vishnu Shankar Jain, AOR

Mr. Pankaj Kumar Verma, Adv.

Ms. Pooja Singh, Adv.

Mr. Aishwarya Bhati, AOR

Ms. Vaidruti Mishra, Adv.

Ms. Tanuja Patra, Adv.

Mr. H. K. Chaturvedi, AOR

Mr. Sagar Chaturvedi, Adv.

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

S.L.P. (C) No. 3056/2017, S.L.P.(C)..CC No. 1864/2017, S.L.P.
(C)..CC No. 1912/2017 and S.L.P.(C) No. 36937/2017:

Delay condoned.

After hearing the arguments of learned counsel for the parties for some time, we are of the firm view that these matters are squarely covered by the judgment of this Court in National Insurance Company Ltd. vs. Kirpal Singh, 2014 (5) SCC 189. We find that the High Courts in the impugned judgment(s) have relied upon the aforesaid judgment only in granting the benefits to the respondents herein.

Mr Sanjay Hegde, learned senior counsel appearing for the petitioners, has endeavoured to argue that the case of Kirpal Singh (supra) needs to be reconsidered. Such an attempt was made earlier also by identically situated Insurance Company, in S.L.P.(C) Diary No. 36005/2017 and was rejected by the Court in the following words:

"Though learned counsel for the petitioner has made a persuasive attempt to re-visit the National Insurance Company Ltd. vs. Kirpal Singh reported in 2014 (5) SCC 189, we are not inclined to consider those contentions as the same are already taken care of in Kirpal Singh (supra).

The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of."

We, therefore, do not find any substance in these Special Leave Petitions which are, accordingly, dismissed.

Pending applications, if any, stand disposed of.

C.A. No. 2463/2015, C.A. Nos. 2287-2288/2010, C.A. Nos. 5035-5037/2012 and C.A. No. 10813/2013:

List the matters next week.

(SUSHIL KUMAR RAKHEJA)
AR-CUM-PS

(RAJINDER KAUR)
BRANCH OFFICER