

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. 3/2014 in Civil Appeal

No(s).

2668/2005

NIRMALA J. JHALA

Appellant(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

AND IN THE MATTER OF
THE HIGH COURT OF GUJARAT

Applicant

O R D E R

Heard counsel for the parties.

This I.A. has been filed seeking for clarification of the relief part of our judgment dated 18.03.2013.

In

paragraph 30, the following relief was granted by this Court:-

"30. In view of the above, we have no option except to allow the appeal. The appeal succeeds and is accordingly allowed. The order of punishment imposed by the High Court in compulsorily retiring the appellant is set aside. However, as the appellant has already reached the age of superannuation long ago, it is not desirable under the facts and circumstances of the case, to grant her any substantive relief, except to exonerate her honourably of all the charges, and allow the appeal with costs, which is quantified to the tune of Rs.5 Lacs. The State of Gujarat is directed to pay the said cost to the appellant within a period of 3 months from today."

Mr. Dushyant Dave, learned senior counsel appearing for the applicant, namely, the High Court of Gujar

at
Signature Not Verified

Digitally signed by
Narendra Prasad

submitted that the appellant has been duly paid the cost of

Date: 2014.08.21
15:40:08 IST

Reason:
Rs.5 Lacs and learned counsel appearing for the appellant also admitted the receipt of the said payment. Since, th

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cost of Rs.5 Lacs was directed to be paid, taking note of the fact that during the pendency of the civil appeal the appellant reached the age of superannuation, the said payment should cover the wages for the period of her non-employment between the date of her compulsory retirement and the date of her superannuation. Whatever terminal benefits payable to the appellant, such as gratuity, pension, if payable as per Rules, should also be calculated and settled and for that purpose the period of non-employment should also be counted. The sum of Rs.5

