

ITEM NO.41

COURT NO.8

SECTION XII

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

Petition(s) for Special Leave to Appeal(C) No(s).17035-17036/2013

(Arising out of impugned final judgment and order dated 18/07/2012 in WP No. 23638/2003,18/07/2012 in MP No. 29206/2003 passed by the High Court Of Madras)

UNION OF INDIA &amp; ORS.

Petitioner(s)

VERSUS

THE REGISTRAR &amp; ANR.

Respondent(s)

(With interim relief and office report)

Date : 21/08/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. P.S. Patwalia,ASG  
Ms. Natasha Vinayak,Adv.  
Mr. Ajay Sharma,Adv.  
Mr. Dhruv Sheoran,adv.  
Mr. D. S. Mahra,Adv.

For Respondent(s)

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

The High Court by the impugned order (Para-13) had directed the Union of India to frame a Scheme by which some percentage of benefit of the period of service rendered in contractual capacity is added to the regular service in situations where the regular service of an incumbent falls short of the qualifying service required for pension. The High Court further directed that the period of 9 years and 2 months

and 13 days of regular service of the petitioner (before the High Court), the respondent no.2- herein should be taken to be sufficient for the purpose of grant of pension though the period required is 10 years.

The order of the High Court insofar as the pensionary entitlement of the respondent no.2 is concerned has not been stayed. We, therefore, would like to be apprised as to whether the said order has been implemented. Insofar as the larger question is concerned, we would like to consider the matter on merits. The Union of India is permitted to bring additional pleadings and documents on record. As the respondent has not appeared in spite of due service of notice, we are of the view that he should be offered legal assistance. Accordingly, we appoint Mr. Nidhesh Gupta, learned senior counsel as the amicus curiae in the matter.

Office is directed to furnish the copy of the paper book to the office of Mr. Nidhesh Gupta, Senior Advocate forthwith.

List after four weeks.

(MADHU BALA)  
COURT MASTER

(ASHA SONI)  
COURT MASTER