

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1112 OF 2011

S.V.NAGARAJAN (DEAD) THR. LRS.

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

CIVIL APPEAL NO. 1113 OF 2011

O R D E R

IN C.A. No. 1112/2011

Since the benefits of the upgraded scale granted in favour of the juniors to the appellant (now dead) are already withdrawn, the appellant's right to be upgraded based on the ground that his juniors were granted upgraded scale does not survive for consideration. Even on merits, we do not find any ground to interfere with the impugned order passed by the High Court. Accordingly, the appeal is dismissed.

IN C.A. No. 1113/2011

Heard learned counsel on both the sides.

Though we agree that the judgment of the High Court directing the Union not to recover the payment already made in favour of the respondent in respect of the

upgraded post, we decline to accept the judgment of the High Court directing the Union to continue to pay the pension based on the upgraded pay. Once the upgradation is held to be bad in the eye of law, the pension fixed on the upgraded pay also has to be revised. Accordingly, the following order is made:

The payment already made in favour of the appellant in respect of upgraded pay and pensionary benefits as on this day based on the upgraded pay shall not be recovered. The amount of pension has to be re-fixed from this day onwards without giving benefits of upgradation.

The appeal is disposed of with the abovesaid observations.

.....J.
(MOHAN M. SHANTANAGOUDAR)

.....J.
(R. SUBHASH REDDY)

NEW DELHI
FEBRUARY 11, 2020

ITEM NO.102

COURT NO.13

SECTION XIV-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). 1112/2011

S.V.NAGARAJAN (DEAD) THR. LRS.

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

C.A. No. 1113/2011 (XIV-A)

Date : 11-02-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For the parties:

Mr. Rupesh Kumar, Adv.
Mrs. Rekha Pandey, Adv.
Mr. Shreyash Bhardwaj, Adv.
Mrs. Anil Katiyar, AOR

Mr. R. Gopalakrishnan, AOR

Mr. Rakesh Dhingra, Adv.
Mr. Surya Kant, AOR

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

IN C.A. No. 1112/2011

The appeal is dismissed in terms of the signed order.

IN C.A. No. 1113/2011

The appeal is disposed of in terms of the signed order.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
AR cum PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)