

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.12243/2000
(From the judgement and order dated 17/02/2000 in WA 1764/98
of The HIGH COURT OF KERALA AT ERNAKULAM)

SAINIK SCHOOL, KERALA

Petitioner (s)

VERSUS

K.VASUDEVAN AND ORS.

Respondent (s)

(With prayer for interim relief) (With Office Report)
(With Appln(s). for exemption from filing c/c of the impugned Judgment)

Date : 24/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr.M.M.Paikeday,Sr.Adv.
Mr. P.I. Jose.,Adv.
Mr. A. Radhakrishnan,Adv.
Mr. Jenis Francis,Adv.

For Respondent (s) Mr. P.Krishnamoorthy,Sr.Adv.
Mr. Romy Chacko,Adv.
Mr. A.K. Sinha,Adv.
Mr. Rajiv Mehta.,Adv.

Mr. R.N. Trivedi,ASG
Mr. C.V.S.Rao,Adv.
Mr. C.Radhakrishnan,Adv.
Mr. B.V. Balaram Das,Adv.

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

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.SP2

Leave granted.
The Appeal is allowed.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
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Court Master Court Master@@

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Signed order is placed on the file.

enhanced pension by taking into account the eleven and half years of service rendered by the respondent under the State Government. The counsel for the respondents, in course of

his arguments, relied upon the relevant rules, which the institution has framed subsequent to the judgment of this Court, more particularly paragraph 1.2 (b). But having examined the said rules we are of the considered opinion that the aforesaid rules will not apply to the case in hand inasmuch as under the condition contained in 1(a), it shall be the responsibility of the State Government and not of the institution, and no such undertaking has been given by the State Government, as required under 1(a) (ii).

The appeal is allowed.

.SP1

.....J.
(G.B. PATTANAİK)@@
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New Delhi,
September 24, 2001

.....J.@@
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(RUMA PAL)@@
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