

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NOS.8255-8257/2009

LT.GOVERNER AND OTHERS

Appellant(s)

VERSUS

SHAJAN T.OOMAN AND OTHERS & ORS.

Respondent(s)

WITH

C.A. No. 7971/2011 (XVI)

C.A. No. 7970/2011 (XVI)

C.A. No. 7969/2011 (XVI)

O R D E R

Application(s) for permission to file additional documents/facts/documents is allowed.

CIVIL APPEAL NOS.8255-8257/2009 & CIVIL APPEAL NO.7970/2011

We have heard learned counsel for parties.

The course of action suggested by learned counsel for respondent No.1 as noted in our order dated 08.02.2022 does not seem to have found favour with the appellants and learned Additional Solicitor General submits that the reason for the same is that it is not a scenario where the sole case against respondent No.1 is over but there are two other criminal cases pending at different stages against respondent No.1 in respect of which charge sheets have been submitted on 16.03.2018 and 24.10.2021 which are pending trial. Apart from this, there are stated to be four other disciplinary proceedings.

On a conspectus of the matter, we have no doubt

that on various larger issues, we are unable to uphold the judgment of the Courts below and consequently set them aside.

On having done so we come to a scenario as to what has to be done insofar as respondent No.1 is concerned. In view of the offer made on behalf of respondent No.1 by the learned counsel, we are of the view that it would be appropriate to accept the alternative suggestion of respondent No.1 that he is willing to retire voluntarily forthwith from the post he is working at the moment.

We permit him to retire with effect from 31<sup>st</sup> March, 2022.

We however, also put a caveat to the same that this will not, in any manner, prejudice the criminal trials pending against the respondent No.1 or the disciplinary proceedings already initiated against him which will work out with their natural consequences.

The period of service, however, for which the respondent No.1 has worked, will be counted in his favour and he will be treated as having voluntarily retired from the PWD with all the consequential benefits but the release of the benefits is bound to be subject to the conclusion and fate of the proceedings pending against him.

The appeals accordingly stand allowed.

Needless to say, at the request of learned

counsel for respondent No.1 we clarify that we have not gone into the merits of the allegations and the two pending trials or the disciplinary proceedings one way or the other.

CIVIL APPEAL NO.7971/2011 & CIVIL APPEAL NO. 7969/2011

None appears for the respondent(s) but learned Additional Solicitor General points out that they are on the same principles on which we have decided Civil Appeal Nos.8255-8257/2009 & Civil Appeal No.7970/2011 and thus, our observations in that order will equally govern these two matters.

The appeals accordingly stand allowed.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[M.M. SUNDRESH]

NEW DELHI;  
MARCH 09, 2022.

ITEM NO.101

COURT NO.6

SECTION XVI

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

Civil Appeal No(s). 8255-8257/2009

LT.GOVERNER AND OTHERS

Appellant(s)

VERSUS

SHAJAN T.OOMAN AND OTHERS &amp; ORS.

Respondent(s)

( [ PART HEARD BY HON. SANJAY KISHAN KAUL AND HON. M.M. SUNDRESH,  
JJ. ] )

WITH

C.A. No. 7971/2011 (XVI)

C.A. No. 7970/2011 (XVI)

C.A. No. 7969/2011 (XVI)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 10303/2020

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 13947/2020

Date : 09-03-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Vikramjit Banerjee, Sr. Adv./Ld. ASG  
Mr. R. Balasubramanian, Sr. Adv.  
Mr. Ankur S. Kulkarni, AOR  
Ms. Shruti Agarwal, Adv.  
Mr. Siddhartha Sinha, Adv.  
Mr. Tathagat, Adv.  
Mr. Prashant Rawat, Adv.  
Nring Chamwibo Zeliang, Adv.  
Ms. Janhavi Prakash, Adv.

For Respondent(s) Mr. Vijay Hansaria, Sr. Adv.  
Mr. Gaurav Jain, Adv.  
Mrs. Abha Jain, AOR  
Mr. Jaivir Singh, Adv.

Mrs. Mona K. Rajvanshi, AOR  
Mr. Anurag Kashyap, Adv.  
Mr. N.P. Haibila, Adv.

Mr. Rauf Rahim, AOR  
Mr. Ali Asghar Rahim, Adv.

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

Application(s) for permission to file  
additional documents/facts/documents is allowed.

CIVIL APPEAL NOS.8255-8257/2009 & CIVIL APPEAL NO.7970/2011

The appeals stand allowed in terms of the signed order.

Pending application, if any, stands disposed of.

CIVIL APPEAL NO.7971/2011 & CIVIL APPEAL NO. 7969/2011

The appeals stand allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

[Signed order is placed on the file]

(POONAM VAID)  
COURT MASTER (NSH)