

P'

C.A.No. 5715 OF 1999
ITEM No. 105

COURT NO.10

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. 5715/1999@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

STATE OF W.BENGAL & ANR.

...APPELLANTS

VERSUS

SANTOSH K. MUKHERJEE & ORS.

...RESPONDENTS

(With appln.(s) for permission to file rejoinder affidavit
and with office report)

Date : 22/04/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Bhaskar P. Gupta, Sr.Adv.
Mr. J. Kar, Adv.
Mr. Rana Mukherjee, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Goodwill Indeevar, Adv.

For Respondent (s) Mr. Ranjan Mukherjee, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Mr. Bhaskar P. Gupta, learned Senior Counsel for
the appellants started his arguments at 3.25 p.m. and
had not concluded till the Court rose for the day.
The matter remained part-heard.

.SP1

Sarita (Kanwal Singh)
Court Master

=====
ITEM No. 101 (PH) COURT NO.10 SECTION XVI

DATED : 23/04/2003. This appeal was called on for hearing today.

CORAM AND APPEARANCE : as above.

..2/-

.PA

.2.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Mr. Bhaskar P. Gupta, learned Senior Counsel made his submissions for few minutes. Then, Mr. Ranjan Mukehrjee, learned counsel for the respondents made submissions in reply for five minutes.

The appeal appeal is dismissed in terms of the signed order with no order as to costs.

.SP1

Sarita

(Kanwal Singh)
Court Master

(Signed order is placed on the file)

.PA
.PL56

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5715 OF 1999@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

STATE OF W.BENGAL & ANR.

...APPELLANTS

VERSUS

SANTOSH K. MUKHERJEE & ORS.

...RESPONDENTS

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The dispute in this appeal relates to grant of pay-scales to the respondent No.1. The respondent No.1 even retired from service on 30.9.1990. During the course of hearing, we are informed that his pension claim has been settled and has been getting pension regularly. The only contesting respondent in this case is respondent No.1. This being the position, at this length of time and taking note of the peculiar facts and circumstances of the case of the respondent No.1, we do not think it necessary to go into the merits of the respective contentions urged on behalf of the parties and doing so may be academic in this appeal. The apprehension of the learned counsel for the appellant-State is that the observations made and the findings recorded in the impugned judgment may affect the contentions of the State in dealing with the cases of other employees in ..2/-

.PA

.2.

regard to grant of pay-scales based on the impugned judgment. All that we can say is that it is open to the appellant-State to deal with other cases on their own merits, independent of what is stated in the impugned judgment.

Under the circumstances, nothing more is required

to be done and the appeal stands dismissed with no order
as to costs.

.SP1

.....J.
(SHIVARAJ V. PATIL)

New Delhi,
April 23, 2003.

.....J.
(ARIJIT PASAYAT)