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W.P(C)No. 535 OF 2000

ITEM No.32

Court No. 4

SECTION X
A/N MATTER

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

Writ Petition(Civil) No.535/2000

SATYANARAYAN MISHRA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Office Report)
With

W.P(C)No.111/2001

Date : 30/07/2001 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. Govind Das,Sr.Adv.
Anukul Chandra Pradhan,Adv.
Mr. Satyapal Khushal Chand Pasi,Adv.

Mr. Shiv Sagar Tiwari,Adv.

For Respondent (s) Mr. Altaf Ahmed,ASG
Mr. S. Rajappa,Adv.

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

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

The Writ Petitions are dismissed.

.SP1

(Y.P.Dhamija) (D.D. Jindal) @@
AA
COURT MASTER Asstt. Registrar

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. 535/2000@@
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Satyanarayan Mishra ...Petitioner

Vs.

Union of India & Ors. ...Respondents

WITH W.P.(C) No. 111/2001@@
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O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

These petitions are under Article 32 by an employee of the LIC whose pay has been fixed after being discharged from the Army. The question of fixation of pay of Ex Defence Personnel on being appointed to the LIC has already been gone into by a 3-Judge Bench of this Court in O.K. Udayasankaran & ors. Vs. U.O.I. & Ors. 1996 (8) SCC 271. The Court has come to a categorical conclusion that paragraph 3.8 on which the appointees in that case subsequent to 1.1.1988 were relying upon will not be applicable to those who had been appointed after 1.1.1988. Mr. Das appearing for the petitioner in the present case contended that a very vital document on the issue has not been placed before the Court while taking the earlier decision, and as such the right of the employee flowing from such document cannot be nullified on the basis of the earlier judgment of this Court. In support of this reliance has been placed on two judgments of this Court in 1982 (1) SCC 71 and 1994 (1) SCC 1. It is no doubt true that some observation made in the two cases might come to

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assistance of Mr. Das. Those observations are in the context of peculiar facts of those cases and will have no universal application. But having regard to the facts and circumstances of the case, and on the materials on which the 3-Judge Bench has come to a conclusion on the question of applicability of paragraph 3.8 we are not in a position to entertain these present petitions under Article 32, and re-examine the matter afresh.

The Writ Petitions are dismissed.

.SP1
.....J.
(G.B. PATTANAIAK)

New Delhi,
July 30, 2001

.....J.
(RUMA PAL)