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C.A.No. 2235-2236 OF 2001
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
ITEM NO.111 COURT NO. 5 SECTION IX

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 2235-2236/2001

Secretary Shri Gadge Maharaj .. Appellant (s)
Mission

Vs.

Shivaram Madhav Pawar & Ors. .. Respondent(s)

(With prayer for interim relief)

DATE : 6.3.2002 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE P VENKATARAMA REDDI

For Appellant (s) : Mr. Makarand D Adkar, Adv.
Mr. S.D. Singh, Adv.
Mr. Vishwajit Singh, Adv.

For Respondent (s) : Mr. Shree Pal Singh, Adv.

Mr. S.M. Jadhav, Adv.
Mr. S.S. Shinde, Adv.
Mr. S.V. Deshpande, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Learned counsel for the appellant argued from
2.20 p.m. to 2.35 p.m.

Subject to the modification of the order under
appeal as stated in the order, these appeals shall stand
dismissed.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2235-2236/2001@@
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Secretary Shri Gadge Maharaj .. Appellant
Mission

Vs.

Shivaram Madhav Pawar & Ors. .. Respondents

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To the extent the High Court states that first respondent must be treated as having been in service in the School until he attained the age of supranuation on 31.3.1993 and he is entitled to have retiral benefits, no exception can be taken. Indeed the only point urged before the High Court is that on 5.8.1993 a letter was addressed to the first respondent by which his services were sought to be terminated but it had not been established that such letter had been served upon the respondent nor any enquiry had preceded before such termination. In the circumstances, we uphold that part of the order of the High Court.

So far as the other reliefs are concerned, the High Court has stated that the amounts as computed by the third and fourth respondent will have to be paid within a stipulated period by the appellants. So far as the arrears of salary is concerned, the same shall be paid by ..2/-

: 2 :

.SP2
the appellant and if the relevant Rules or other provisions of law entitle the appellant to make a claim for reimbursement, the same may be made. So far as the payment of pension is concerned, the same shall be paid either by the appellant as directed by the High Court or if the Rules so provide by the Government.

Subject to the modification of the order under appeal as stated above, these appeals shall stand dismissed.

.SP1
.....J@@
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[S. RAJENDRA BABU]@@
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[K.G. BALAKRISHNNAN]@@
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.....J
[P VENKATARAMA REDDI]

New Delhi,@
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March 6, 2002 @@
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