

ITEM NO.13

COURT NO.13

SECTION IX

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(s).23107/2010

(From the judgement and order dated 22/09/2009 in WP No.286/2009 of the
HIGH COURT OF BOMBAY)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

MEHBOOB KHAN

Respondent(s)

(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 23108 of 2010
(With office report)

SLP(C) NO. 23109 of 2010
(With office report)

SLP(C) NO. 23110 of 2010
(With office report)

Date:16/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. P.P. Malhotra,ASG
Ms. Sunita Rani Singh,Adv.
Mr. Chetan Chawla,Adv.
Ms. Sunita Sharma,Adv.
For Mr. D.S. Mahra,Adv.

For Respondent(s) Mr. C.U. Singh,Sr.Adv.
Mr. Nitin S. Tambwekar,Adv.
Mr. B.S. Sai,Adv.
Mr. K. Rajeev,Adv.

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

Heard Mr. Malhotra, learned Additional Solicitor General
appearing for the Union of India and Mr. C.U. Singh, learned senior
counsel appearing for the respondents.

The issue involved in these special leave petitions is with
respect to the rules which should govern the grant of pension to the
respondents i.e. whether it should be the Central Government Rules or
the Rules of the Society. The Central Administration Tribunal vide its
judgment dated 24.10.2001 rendered in the Transfer Application Nos.1
to 7 of 2000 and Transfer Application Nos.1 to 5 of 2001, has taken
the view that it will be Central Government Rules which will apply.

This view was followed by the Central Administrative Tribunal in the proceedings initiated by the respondents and the same has been confirmed by the Bombay High Court vide the impugned judgment.

We have heard the learned counsel for the parties and also noted their submissions. Having perused the judgments rendered by the Central Administrative Tribunal on both the occasions, we do not see any reason as to how the High Court could have found fault with the second judgment of the Central Administrative Tribunal which has followed the earlier view taken by the Central Administrative Tribunal and which has been accepted by the Government. Therefore, in our view, there was no error with the view taken by the High Court. In the facts and circumstances of these cases, we see no reason to interfere. The special leave petitions are dismissed.

However, we make it clear that the matters are being decided on the ground of parity, without going into the question of law raised.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER