

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

IA 2 & 3/2011 in CIVIL APPEAL NO. 1329 OF 2010

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

SURESH CHANDRA BHATNAGAR

Respondent(s)

(With appln(s) for exemption from filing O.T. and directions and office report)

Date: 27/02/2012 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. P.P. Malhotra, A.S.G.

Ms. Binu Tamta, Adv.

Mr. Gaurav Sharma, Adv.

Ms. Sushma Suri, Adv.

For Respondent(s) Mr. Suresh Chandra Bhatnagar, in-person

UPON hearing counsel the Court made the following

O R D E R

Interlocutory Application has been filed by respondent - Shri Suresh Chandra Bhatnagar for discharge of his advocate as he intends to appear in person. Application is allowed.

Interlocutory Application No.2 of 2011 has been filed by the Union of India praying therein that the respondent be directed to cooperate and enable it to comply with the directions of this Court passed in Civil Appeal No.1329 of 2010, titled "Union of India and others versus Suresh Chandra Bhatnagar", on 24.5.2011.

The operative part of this order reads thus:

"(a) The appellants shall pay to the respondent 50% of his entire back wages for the period between his initial order of removal from service dated 15.6.1998 till his writ petition before the High Court succeeded on 29.2.2008 and for the remaining period that is, from the month March, 2008 till the date of superannuation of the respondent, the appellant shall pay to the respondent 100% of his pay and emoluments since no stay has been granted by this Court at any point of time and the respondent has also addressed letters to the appellant requesting him to take him back in the service after the order of the High Court. We make it clear that the aforesaid payment must be made to the respondent by the appellants within a period of three months from today.

(b) The appellants shall also on the basis of this order must fix the pension of the respondent and shall give all the retirement benefits available to him within four months from today."

Shri P.P. Malhotra, learned Additional Solicitor General appearing for Union of India, informed that pursuant to the aforesaid order a Cheque for a sum of Rs.8,00,338/- dated 26.7.2011 was prepared and presented to the respondent. Initially, he refused to accept it on the ground that break-up of the same had not been supplied to him. But subsequently on supply of the break-up, he accepted it. According to the respondent, he has deposited the Cheque and the same has been encashed.

Now, the grievance of the respondent is that the increments and other benefits, which he would have earned, have not been added to his salary so as to work out the proper payment of 50% of back wages for the period as directed vide order of this Court on 24.5.2011.

Shri Malhotra was not able to give the details whether the aforesaid amount of Rs.8,00,338/- is inclusive of increments, which he would have ordinarily earned, had he been in service or not? He prayed for time to verify the same.

At his request, list this matter on 20.3.2012.

|(A.D. Sharma)
|Court Master

| |(S.S.R. Krishna)
| |Court Master

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