

ITEM NO.43

COURT NO.9

SECTION XVI

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 33332/2012
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 07/12/2011
IN WPCT NO. 51/2011 PASSED BY THE HIGH COURT OF CALCUTTA)

SRI DEBASISH MUKHERJEE AND ANR.

PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

RESPONDENT(S)

[WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN REFILEING
SLP AND OFFICE REPORT]

Date : 16/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)

Mr. Krishnan Venugopal, Sr. Adv.
Ms. Prachi Mishra, Adv.
Mr. Anupam Shukla, Adv.
Mr. Rajan K. Chourasia, Adv.

For Respondent(s)

Mr. Shreekant N. Terdal, Adv. [N/P]

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.519 OF 2015

[Arising out of Special Leave Petition
(Civil) No.33332 of 2012]

SRI DEBASISH MUKHERJEE
AND ANR.

...APPELLANTS

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

ORDER

1. Delay condoned.

2. Leave granted.

3. The challenge herein is against the order dated 7th December, 2011 passed by the High Court at Calcutta in W.P.C.T. No.51 of 2011 declining to expand the partial relief granted in favour of the appellants by the learned Central Administrative Tribunal, Calcutta Bench (for short "the Tribunal").

4. The Tribunal while upholding the claim of the appellants made before it for grant of higher scale of pay with effect from the date of their appointment i.e. 01st September, 1986 and 04th March, 1986 respectively thought it proper to restrict the payment of arrears of the higher scale of pay to and from one year prior to the date of filing of the O.A.. The High Court having upheld the said order, the appellants are before us by means of the present appeal.

5. The matter lies within a short compass. The genesis of the claim made by the appellants can be traced to an order dated 11th December, 2003 passed by this Court in Civil Appeal No. 6609 of 1997 passed in the case of one Rasheed Khan

holding that the said person, who is similarly situated to the appellants, is entitled to the same benefit i.e. higher pay from the date of his initial appointment.

6. Following the aforesaid development, one Jai Prakash had also instituted a proceeding before the Tribunal i.e. O.A. No.602 of 2006 claiming similar benefits, which was granted. The said grant made by the Tribunal was upheld by the High Court.

7. In the O.A. filed by the present appellants, by an elaborate order dated 30th November, 2010, the Tribunal upheld the claim of the applicants (appellants) before it and negatived the challenge thereto made on behalf of the respondents. However, it confined the grant of relief, as noticed above.

8. We do not find any reasonable basis for denying to the appellants the benefit of higher scale of pay from the date of initial appointment, which is claimed to be in 1986, as the same has been granted to Rasheed Khan in terms of the order of this Court and also to Jai Prakash following the said order. In fact, in the case of Jai Prakash, which was filed before the Tribunal in the year 2007, benefits from the date of his initial appointment had been granted, while the same has been denied to the present appellants, who had moved the Tribunal soon thereafter in the year 2008. Having regard to the above and the totality of the facts of the case, we are of the view that similar relief ought to have been granted to the appellants. The same having not been so done, we interfere with the relevant part of the

order of the Tribunal as upheld by the High Court and direct that the appellants be granted higher scale of pay with effect from the date(s) of their initial appointment. Insofar as the payment of interest is concerned, we are of the view that the direction for payment of interest from the date when the appellants had moved the Tribunal would be just and proper and would meet the ends of justice. We order accordingly.

9. The appeal is disposed of by modification of the order of the Tribunal as upheld by the High Court in the above terms. The rate of interest payable will be 9 per cent per annum.

.....,J.
(RANJAN GOGOI)

.....,J.
(ARUN MISHRA)

NEW DELHI
JANUARY 16, 2015