

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)...../2012

(CC 13004/2012)

(From the judgement and order dated 08/11/2010 in WP No.24968/2010 of The HIGH COURT OF MADRAS)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

SANTHI DEVANANTHAN

Respondent(s)

With I.A.1 (C/delay in filing SLP)

Date: 23/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C.NAGAPPAN

For Petitioner(s) Mr.S.P.Singh, Sr.Adv.
Ms.A.Subhashni, Adv.
Mr.B.P.Nair, Adv.
Mr.B.P.Nahar, Adv.
Mr.S.N.Terdal, Adv.
Mr. B. Krishna Prasad, AOR

For Respondent(s)

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

This petition is directed against order dated 08.11.2010 passed by the Division Bench of the Madras High Court whereby the writ petition filed by the petitioners was dismissed and order dated 07.12.2009 passed by the Central Administrative Tribunal, Madras Bench (for short, 'the Tribunal') for grant of pension to the respondent by treating his pay scale on the date of retirement as Rs.5000-8000 was upheld.

The petitioners have also filed an application for condonation of 474 days' delay.

We have heard Shri S.P.Singh, learned senior counsel for the petitioners and perused the record.

In our considered view the explanation given by the petitioners for delayed filing of the special leave petition is thoroughly unsatisfactory and there is no warrant for exercise of power by this Court under Section 5 of the Limitation Act.

We are further of the view that the High Court did not commit any error by dismissing the writ petition filed against the order of the Tribunal because the petitioners did not produce the basic documents filed before the Tribunal including order dated 11.4.2008 passed by Divisional Personnel Officer, Southern Railway, Tiruchirappalli and letter of the Railway Board dated 20.8.2001. What to say of the High Court, even before this Court the petitioners have not produced the order passed by the Tribunal which was challenged before the High Court.

We strongly disapprove the casual manner in which the officers of the Railways have filed writ petition before the High Court and special leave petition before this Court.

With the above observations, the special leave petition is dismissed as barred by limitation and also on merits.

The petitioners are directed to implement the order of the Tribunal within a period of two months and pay arrears to the respondent

within next one month.

The Registry is directed to send a copy of this order to the respondent by registered post at the address mentioned in the memo of special leave petition.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master