IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5597 OF 2006

State of Madhya Pradesh and others ..Appellants

versus

Pratibha Baldua ..Respondent

O R D E R

Having heard learned counsel for the rival parties, we are satisfied that there would be no justification whatsoever to interfere with the impugned order dated 22.4.2004 rendered by the High Court of Madhya Pradesh.

A perusal of the aforesaid order reveals that a concession was made before the High Court acknowledging that the decision rendered in Dr. Shambhu Dayal Khare's case (Writ Petition No. 1607 of 2001) would be made applicable to the husband of the respondent.

Learned counsel for the respondent has invited our attention to the judgment rendered in Dr. Shambhu Dayal Khare's case, which is available on the record of the instant civil appeal as Annexure R-1. It was acknowledged in the decision rendered in Dr. Shambhu Dayal Khare's case, that retiral benefits would be settled by taking into consideration the dues of the employee in

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Parveen Kumar Chawla

Date: 2014.08.01
18:16:15 IST
Reason:

accordance with the scale prevalent on the date of retirement of the employee. It is natural,therefore, to infer that the retiral benefits were liable to be paid with effect from the date of

retirement. In view of the conclusion drawn above, we direct the appellants to pay the retiral dues to the wife of the

employee, who has been impleaded as a respondent before us, within eight weeks from the date of receipt of a certified copy of this order.

It shall be open to the appellants to recover the said dues from the private institute, where the husband of the respondent was employed, in case the appellants feel that the same ought to have been paid by the institute in which the respondent's husband was engaged.

The instant appeal is disposed of in the above terms.

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI;
JULY 31, 2014.

.....J.
[ROHINTON FALI NARIMAN]

ITEM NO.113 COURT NO.6 SECTION IV

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

Civil Appeal No(s). 5597/2006

STATE OF MADHYA PRADESH & ORS. Appellant(s)

VERSUS

PRATIBHA BALDUA Respondent(s)
(with office report)

Date : 31/07/2014 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Mishra Saurabh, Adv.
Mr. Ankit Lal, Adv.

For Respondent(s) Mrs. Sudha Gupta ,Adv.

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

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

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Assistant Registrar

[signed order is placed on the file]