

C.A.No. 6407 OF 2002  
.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.  
ITEM NO. IA COURT NO.6 SECTION:IV  
(For Judgment)

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. 6407 of 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Union of India and others Appellants

VERSUS

Dhir Singh China, Colonel (Retd.) Respondent

(HEARD BY HON'BLE SANTOSH HEGDE & B.P. SINGH, JJ@@  
BB

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J.  
Date: 04.02.2003 This matter was called for pronouncement of judgment  
today.

CORAM:  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE B.P. SINGH

For Appellant Mr. B.V. Balram Das, Adv.

For Respondent Mrs. Sureshta Bagga, Adv.

The Court pronounced the following  
JUDGMENT

.....L.....I.....T.....T.....T.....T.....T.....T.....TJ  
.SP2

Hon'ble Mr. Justice B.P. Singh pronounced the  
Judgment of the Court.

The appeal is allowed in terms of the signed  
judgment. Order of the learned Single Judge as affirmed by  
the Division Bench in LPA No.216 of 2001 is set aside and it  
is held that the respondent is not entitled to disability  
pension under Regulation 53. However, in the facts and  
circumstances of the case any payment made by way of  
disability pension shall not be recovered from the  
respondent. In the facts of the case there shall be no order  
as to costs.

.SP1

(Pawan Kumar) (Prem Prakash)  
Court Master Court Master

( Signed Judgment is placed on the file)