

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8776 OF 2012
(Arising out of SLP(C) No. 23114 of 2008)

The Secretary, Defence Department
& Ors.

Appellants

VERSUS

K.Babu Raj

Respondent

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in W.A. No. 2285 of 2004 dated 04.12.2007. By the impugned judgment and order, the High Court has affirmed the judgment and order passed by the learned Single Judge.

3. Allowing the Petition filed, the learned Single Judge had directed the Army Authorities (Appellants-herein) to provide suitable alternate employment in civil side to the Respondent-herein, which order and direction is affirmed by the Division Bench while dismissing the Writ Appeal filed by the Appellants-herein.

4. This Court, while entertaining the Special Leave Petition, had not granted any interim orders. However, we are informed by the learned counsel for both the parties that the Appellants have not provided any alternate employment in civil side to the Respondent-herein.

5. We are of the opinion that at this juncture, it may not be proper to direct the Appellants to provide alternate employment in civil side to the Respondent-herein since, by now, he would have attained the age of 55 years. However, if we direct the Appellants to pay a lump sum amount of Rs. 5 lakhs to the respondent in lieu of the compliance and directions issued by the learned Single Judge and affirmed by the Division Bench, it should satisfy the interest of the Respondent. To this observation, the learned counsel for the respondent has no objection whatsoever.

6. Conclusively, while disposing of the instant appeal, we direct the Appellants-herein to pay a lump sum amount of Rs.5 lakhs to the Respondent-herein as full and final settlement of all his claims and further this would be in lieu of the orders and directions issued by the learned Single Judge and affirmed by the Division Bench. This amount shall be paid by the Appellants within 12 weeks from the date of the receipt of the copy of this Court's order. If, for any reason, the payment is not made within the stipulated time, the amount will carry interest at the rate of 9% per annum from the date of default.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

ITEM NO.3

COURT NO.7

SECTION XIA

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) No(s).23114/2008

(From the judgement and order dated 04/12/2007 in WA No.2285/2004 of The
HIGH COURT OF KERALA AT ERNAKULAM)

SECR.,DEFENCE DEPARTMENT & ORS.

Petitioner(s)

VERSUS

K.BABURAJ

Respondent(s)

(For final disposal)

Date: 04/12/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Ashok K. Srivastava, Adv.
Mr. R. Balasubramanian, Adv.
Mr. D.K. Thakur, Adv.
Mr. B.V. Balram Das, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent(s) Mr. M.K.S. Menon, Adv.
Mr. Robin V.S., Adv.
Ms. Monika Rai, Adv.
Mr. Jogy Scaria, Adv.

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

Leave granted.

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

(NAVEEN KUMAR)
COURT MASTER

(VINOD KULVI)
COURT MASTER

(Signed order is placed on the file)