

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
I.A. NO. 9 OF 2010  
IN  
TRANSFER PETITION (C) NO. 56 OF 2007

| UNION OF INDIA NAD OTHERS | ... | PETITIONER(s) |

| Versus |

| N.K. NAIR AND OTHERS | ... | RESPONDENT(s) |

WITH

WRIT PETITION (C) NO. 268 OF 2010

| ARUN KUMAR AND OTHERS | ... | PETITIONER(s) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(s) |

WITH

TRASFERRED CASE (C) NO. 11 OF 2010

| LIEUTENANT COLONEL PRK MURTHY | ... | PETITIONER(s) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(s) |

WITH

TRASFERRED CASE (C) NOS. 14-19 OF 2010

| BRIGADIER P.K.K. MENON & OTHERS ETC.ETC. | ... | PETITIONER(s) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(s) |

WITH

TRASFERRED CASE (C) NO. 31 OF 2010

| COL. (RETD.) AWADHESH SWAROOP SHUKLA & OTHERS | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

WITH

TRASFERRED CASE (C) NO. 32 OF 2010

| LIEUTENANT COLONEL (RETD.) SANSAR SINGH DUHOON & OTHERS | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

WITH

TRASFERRED CASE (C) NO. 33 OF 2010

| COLONEL (RETD.) JOHN TAYLOR & ANOTHER | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

WITH

TRASFERRED CASE (C) NO. 35 OF 2010

| COLONEL (RETD.) SURENDRA PAL SINGH AND ANOTHER | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

WITH

WRIT PETITION (C) NO. 192 OF 2012

| COL. JAYARAJ AJARIA AND OTHERS | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

WITH

I.A. NO. 1 OF 2011  
IN  
WRIT PETITION (C) NO. 34 OF 2009

| K.K. ROHTAGI & OTHERS | ... | PETITIONER(S) |

| Versus |

| UNION OF INDIA AND OTHERS | ... | RESPONDENT(S) |

O R D E R

I.A. No. 9 in T.P. (C) No. 56 of 2007:

We have heard Mr. R.F. Nariman, learned Solicitor General of India and Mr. Mahabir Singh, learned

senior counsel for the respondents.

2. On thoughtful consideration of the entire matter, we are satisfied that the order dated March 8, 2010 does not require any modification or variation save and except the interest part.

3. As regards interest, on totality of the circumstances including the circumstance that Special Leave Petition arising from the judgment dated July 4, 2003 in the matter of Major A.K. Dhanapalan was dismissed by this Court in August, 2005 and the Kerala High Court had not ordered payment of interest on the arrears of pay, we direct that the interest shall be paid by the petitioners to the respondents @ 6% p.a. from January 1, 2006 instead of January 1, 1986. It is clarified that this order shall govern all similarly situated officers who have not approached the court and also those who have filed Writ Petitions which are pending before various High Courts/Armed Forces Tribunal.

4. We record and accept the statement of the learned Solicitor General that arrears of pay with interest, as directed above, shall be paid to the

concerned officers expeditiously and positively within twelve weeks from today.

5. I.A. No. 9 of 2010 stands disposed of accordingly.

W.P. (C) Nos. 268/2010, 192/2012, and I.A. No. 1 of 2011 in W.P. (C) 34/2009 and T.C. (C) Nos. 11/2010, 14-19/2010, 31/2010, 32/2010, 33/2010 and 35/2010:

The above matters and pending I.As. therein, if any, stand disposed of in terms of the above order passed in I.A. No. 9 of 2010 in T.P. (C) No. 56 of 2007.

.....J.  
(R.M. LODHA)



[FOR FINAL DISPOSAL]

W.P. (C) No. 192 of 2012  
(with office report)

[FOR FINAL DISPOSAL]

Date: 04/09/2012 This IA and Petitions were called on for  
hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. R.F. Nariman, Solicitor General  
Mr. Farrukh Rasheed, Adv.  
Mr. Kavin Gulati, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. D.S. Mahra, Adv.  
  
Dr. Sukhdev Sharma, Adv.  
Dr. B.B. Trikha, Adv..  
Dr. Kailash Chand, Adv.  
  
Dr. B.B. Trikha, Adv.  
Dr. Kailash Chand, Adv.  
  
Mr. Praveen Jain, Adv.  
  
Mr. K.K. Rohatgi (Petitioner-in-person)

For Respondent(s) Mr. Mahabir Singh, Sr. Adv.  
Gp. Capt. Karan Singh Bhati, Adv.  
Ms. Aishwarya Bhati, Adv.  
Mr. Karmendra Singh, Adv.  
Mr. Karan Sharma, Adv.  
  
Mr. Vishwa Pal Singh, Adv  
  
Mr. Ajay Kumar, Adv  
  
Mrs Anil Katiyar, Adv.  
  
Mr. R.F. Nariman, Solicitor General  
Mr. Farrukh Rasheed, Adv.  
Mr. Kavin Gulati, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. D.S. Mahra, Adv.  
  
Mr. S.M. Dalal, Adv.

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

I.A. No. 9 of 2010 in Transfer Petition (civil) No. 56 of 2007

I.A. No. 9 stands disposed of in terms of the signed order.

W.P. (C) Nos. 268/2010, 192/2012, and I.A. No. 1 of 2011 in W.P. (C)  
34/2009 and T.C. (C) Nos. 11/2010, 14-19/2010, 31/2010, 32/2010,  
33/2010 and 35/2010

The above matters and pending I.As. therein, if any, stand disposed of in terms of the order passed in I.A. No. 9 of 2010 in T.P. (C) No. 56 of 2007.

| (Pardeep Kumar)  
| Court Master

| | (Renu Diwan)  
| | Court Master

| |

(signed order is placed on the file)