

ITEM NO.5

COURT NO.3

SECTION XIV

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).20868/2009

(From the judgement and order dated 03/09/2008 in WP No.2700/2008  
of the HIGH COURT OF DELHI AT NEW DELHI)

UNION OF INDIA &amp; ORS.

Petitioner(s)

VERSUS

SINCHETTY SATYANARAYAN

Respondent(s)

(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report) (FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 20869 of 2009

(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 20870 of 2009

(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 20871 of 2009

(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 30265 of 2009

(With appln(s) for c/delay in filing SLP, c/delay in refiling SLP  
and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 16565 of 2007

(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 18409 of 2008

(With office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 16060 of 2008

(FOR FINAL DISPOSAL)

SLP(C) NO. 12656 of 2009

(With appln(s) for c/delay in filing SLP, c/delay in refiling SLP  
and office report) (FOR FINAL DISPOSAL)

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SLP(C) NO. 16697 of 2009

(With appln(s) for c/delay in filing SLP) (FOR FINAL DISPOSAL)

SLP(C) NO. 18653 of 2009

(With office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 28344 of 2008

(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 12719 of 2009

(FOR FINAL DISPOSAL)

SLP(C) NO. 23222 of 2009

(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 15512 of 2009  
(With office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 19024 of 2009  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 25069 of 2009  
(With appln(s) for c/delay in filing SLP, c/delay in refiling SLP  
and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 12790 of 2009  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 35500 of 2009  
(With office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 31573 of 2009  
(With appln(s) for c/delay in filing SLP) (FOR FINAL DISPOSAL)

SLP(C) NO. 2291 of 2010 (FOR FINAL DISPOSAL)

SLP(C) NO. 27766 of 2009  
(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 7569 of 2009  
(With appln(s) for c/delay in filing SLP) (FOR FINAL DISPOSAL)

SLP(C) NO. 35399 of 2010  
(With appln(s) for c/delay in filing SLP, c/delay in  
refiling SLP) (FOR FINAL DISPOSAL)

SLP(C) NO. 2676 of 2009  
(With appln(s) for directions and c/delay in filing SLP)

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(FOR FINAL DISPOSAL)

SLP(C) NO. 31296 of 2008  
(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief) (FOR FINAL DISPOSAL)

SLP(C) NO. 6695 of 2009  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 6697 of 2009  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 28594 of 2009  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 5035 of 2009  
(With appln(s) for c/delay in filing SLP, substitution, c/delay  
in filing substitution appln. and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 6307 of 2010  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 15028 of 2010  
(With appln(s) for c/delay in filing SLP and office report)

(FOR FINAL DISPOSAL)

SLP(C) NO. 27927 of 2009  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Civil Appeal NO. 2942 of 2009  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 21039 of 2009  
(With office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 7549 of 2009  
(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 1801 of 2011  
(With appln(s) for c/delay in filing SLP and office report)  
(FOR FINAL DISPOSAL)  
Civil Appeal NO. 2079 of 2011  
(With office report) (FOR FINAL DISPOSAL)

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SLP(C) NO. 8012 of 2011  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Appeal Civil NO. D6886 of 2011  
(With appln(s) for c/delay in filing appeal, c/delay in  
refiling appeal and office report) (FOR FINAL DISPOSAL)

Appeal Civil NO. D13632 of 2011  
(With appln(s) for c/delay in filing appeal and office report)  
(FOR FINAL DISPOSAL)

Appeal Civil NO. D16884 of 2011  
(With appln(s) for c/delay in filing appeal and office report)  
(FOR FINAL DISPOSAL)

S.L.P.(C)...CC NO. 9704 of 2011  
(With appln(s) for c/delay in filing SLP, c/delay in refiling  
SLP and office report) (FOR FINAL DISPOSAL)

Civil Appeal NO. 7093 of 2011  
(With appln(s) for c/delay in filing appeal, stay and office  
report) (FOR FINAL DISPOSAL)

Appeal Civil NO. D22030 of 2011  
(With appln(s) for c/delay in filing appeal, c/delay in  
refiling appeal and office report)

SLP(C) NO. 2495-2496 of 2012  
(With appln(s) for c/delay in filing SLP, exemption from  
filing c/c of the impugned judgment and office report)

Date:23/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI  
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)      Mr. A. Mariarputham, Sr. Adv.  
                                 Mrs. Rekha Pandey, Adv.  
                                 Ms. Gunwant Dara, Adv.  
                                 Ms. Rashmi Malhotra, Adv.  
                                 Ms. Sudha Pal, Adv.

Mr. B.V. Balram Das,Adv.  
Mrs. Anil Katiyar,Adv.  
For Mr. B. Krishna Prasad,Adv.

Mr. D.S. Mahra,Adv. (N.P.)  
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For Respondent(s) Mr. S.M. Dalal,Adv.  
Mr. Rameshwar Prasad Goyal,Adv.

Mr. Ranbir Singh Yadav,Adv.  
Mr. P. Kakra,Adv.  
Mrs. Jaansi Yadav,Adv.  
Ms. Anzu K. Varkey,Adv.

Mr. S.M. Hooda,Adv.  
Ms. Vijay Lakshmi,Adv.  
for Mrs. Santosh Singh,Adv.

Mr. S.R. Kalkal,Adv.  
Mr. R.C. Kaushik,Adv.

Mr. B.S. Rathi,Adv.  
Mr. R.H. Panghal,Adv.  
Mr. Dinesh Verma,Adv.  
Mr. Vipin Gutpa,Adv.  
Dr. Kailash Chand,Adv.

Maj. K. Ramesh,Adv.  
Ms. Archana Ramesh,Adv.  
For Dr. Kailash Chand,Adv.

Mr. Anil Kumar Sangal,Adv.  
Mr. D.P. Mohanty,Adv.

Mr. Bhim Sen Sehgal,Adv.  
Mrs. Sarbani Kar,Adv.  
Mr. Avijit Bhattacharjee,Adv.

Mr. Jagbir Singh Malik,Adv.  
Mr. Vikas Gulia,Adv.  
Mr. Vivek Gupta,Adv.

Mr. R.S. Dhull,Adv.  
Mr. Sanjay Jha,Adv.  
For Dr. Monika Gusain,Adv.

Mr. K.G. Bhagat,Adv.  
Mr. Manohar Singh Bakshi,Adv.  
Mr. Dattatrey Vyas,Adv.  
Ms. Neha Jain,Adv.  
for Mr. Vineet Bhagat,Adv.

Mr. Rakesh Dahiya,Adv.

Mrs. Shiel Sethi,Adv.  
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Ms. Sushma Sharma,Adv.

Dr. (Mrs.) Vipin Gupta,Adv.

S.L.P.(C) No.31296/2008:

Delay condoned.

Ms. Rashmi Malhotra, learned counsel appearing for the Union of India prays for a short adjournment to take instructions in this matter. List this matter after two weeks.

S.L.P.(C) No.15512/2009:

Learned counsel for the respondent submits that the respondent Gauri Shankar has already received the disability pension with effect from 1.11.1964 to 4.1.1976. Now, in view of the order which has been placed on record in which it has been decided by the Government that the benefit of service element would be granted to all similarly placed persons with effect from 1.1.1973, no further directions are necessary. The special leave petition is disposed of.

IN ALL OTHER REMAINING SLPs AND CIVIL APPEALS:

Delay condoned.

Learned counsel appearing for Union of India has

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drawn our attention to the order dated 22.2.2012 passed by the Ministry of Defence which reads as under:

"MINISTRY OF DEFENCE  
Department of Ex-Servicemen Welfare

Subject: SLP No.20868/2009 titled UOI Vs Ex Gnr Sinchetty Satyanarayan & 42 Others

The issue regarding grant of service element to those invalidated out prior to 1973 with less than minimum qualifying service for pension as prescribed from time to time, has been considered in the Ministry and with the approval of Hon'ble RM it has been decided to grant the benefit of service element to all pre 1973 cases w.e.f. 1.1.1973.

2. OIC Legal Cell (Supreme Court) may take appropriate action to file the reply affidavit in the matter in the Hon'ble Supreme Court.

Sd/-

(Ajay Saxena)

Under Secretary/D(Pen/Legal)  
Tele: 23015021"

Learned counsel appearing for Union of India submits that now the Government of India has taken a decision that the respondents and other similarly placed persons would be entitled to the benefit of service element of pension with effect from 1.1.1973. No further directions are necessary.

All the special leave petitions and civil appeals are disposed of accordingly.

(A.S. BISHT)  
COURT MASTER

(INDU SATIJA)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

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CIVIL APPEAL NO. 2942 OF 2009

UNION OF INDIA & ORS.

Appellant(s)

:VERSUS:

HOSHIAR SINGH

Respondent(s)

WITH

Civil Appeal No. 2079/2011

Civil Appeal No.....D6886/2011

Civil Appeal No.....D13632/2011

Civil Appeal No.....D16884/2011

Civil Appeal No.7093/2011

Civil Appeal No.....D22030/2011

O R D E R

Delay condoned.

Learned counsel appearing for Union of India has

drawn our attention to the order dated 22.2.2012 passed

by the Ministry of Defence which reads as under:

"MINISTRY OF DEFENCE

Department of Ex-Servicemen Welfare

Subject: SLP No.20868/2009 titled UOI Vs Ex Gnr  
Sinchetty Satyanarayan & 42 Others

The issue regarding grant of service element to those invalidated out prior to 1973 with less than minimum qualifying service for pension as prescribed from time to time, has been considered in the Ministry and with the approval of Hon'ble RM it has been decided to grant the benefit of service element to all pre 1973 cases w.e.f. 1.1.1973.

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2. OIC Legal Cell (Supreme Court) may take appropriate action to file the reply affidavit in the matter in the Hon'ble Supreme Court.

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Sd/-

(Ajay Saxena)

Under Secretary/D(Pen/Legal)

Tele: 23015021"

Learned counsel appearing for Union of India

submits that now the Government of India has taken a

decision that the respondents and other similarly placed

persons would be entitled to the benefit of service

element of pension with effect from 1.1.1973. No further directions are necessary. All the appeals are disposed of accordingly.

.....J  
(DALVEER BHANDARI)

.....J  
(DIPAK MISRA)

New Delhi;  
February 23, 2012.