

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5149 OF 2011

UNION OF INDIA AND OTHERS

APPELLANT(S)

VERSUS

SUPRIYA BASU

RESPONDENT(S)

WITH

CIVIL APPEAL NO.5148 OF 2011

O R D E R

Two appeals emanate from the common judgment. Civil Appeal No. 5149/2011 is filed by the Union of India & Others and the other appeal i.e. Civil Appeal No. 5148/2011 is filed by the former employee.

By the impugned judgment, the High Court has set aside the order of the Central Administrative Tribunal, which did not interfere with the application filed by the respondent - employee against his dismissal and directed the Union of India to pass a fresh order in terms of para 43 of the judgment to decide as to what would be, according to them, a lesser punishment which would meet the ends of justice.

Having heard learned counsel for the parties, bearing in mind the fact that nearly a decade has gone by and further also taking note of the fact that though initially a stay of the order was granted but by order

dated 05.04.2018, the stay was vacated and the employee was re-instated in 2017 and working and lastly, the fact that the employee is on the verge of the retirement, we would think the ends of justice would be met, if we pass the following order:

We are not inclined to interfere in the appeal (i.e. Civil Appeal No. 5148/2011) filed by the employee. Accordingly, the civil appeal will stand dismissed.

In the appeal (i.e. Civil Appeal No. 5149/2011) filed by the Union of India, we again do not think that we should interfere with the order passed by the High Court as such except to the extent that at this time, to direct the employer to pass a fresh order, may not serve the purpose of justice as it may again only trigger a fresh round of litigation and we are of the view that a quietus must be given in the matter.

In this view of the matter, while upholding the order, we direct that the respondent - employee shall be paid a sum representing monthly emoluments which would be due to him for a period of three years prior to the respondent - employee being re-instated pursuant to the order vacating the stay. The amount shall be paid within a period of one month from today. The respondent - employee will also be entitled to and be paid the terminal/retiral benefits treating the respondent as being

in continuous employment.

The civil appeal is disposed of in view of the above. No order as to costs.

.....J.
(K.M. JOSEPH)

.....J.
(S. RAVINDRA BHAT)

New Delhi;
August 11, 2021

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).5149/2011

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

SUPRIYA BASU

Respondent(s)

WITH

C.A. No.5148/2011 (XVI)

Date : 11-08-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Appellant(s)
In CA 5149/2011Mr. R.S. Suri, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Sunita Sharma, Adv.
Ms. Vishakha, Adv.
Ms. Sansriti Pathak, Adv.
Ms. Vimla Sinha, Adv.

In CA 5149/2011

Mr. Abhimanyu Bhandari, Adv.
Mr. Vikalp Mudgal, Adv.
Mr. Arun Sanwal, Adv.
Ms. Madhu Sikri, AOR

In CA 5148/2011

Mr. Rana Mukherjee, Sr. Adv.
Mr. Partha Sil, AOR
Mr. Anindya Lahiri, Adv.
Ms. Daisy Hanah, Adv.
Mr. Tavish Bhushan Prasad, Adv.For Respondent(s)
In CA 5149/2011Mr. Rana Mukherjee, Sr. Adv.
Mr. Partha Sil, AOR
Mr. Anindya Lahiri, Adv.
Ms. Daisy Hanah, Adv.
Mr. Tavish Bhushan Prasad, Adv.

In CA 5148/2011

Mr. R.S. Suri, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Sunita Sharma, Adv.
Ms. Vishakha, Adv.
Ms. Sansriti Pathak, Adv.
Ms. Vimla Sinha, Adv.

In CA 5148/2011

Mr. Abhimanyu Bhandari, Adv.

Mr. Vikalp Mudgal, Adv.
Mr. Arun Sanwal, Adv.
Ms. Madhu Sikri, AOR

UPON hearing the counsel the Court made the following

O R D E R

C.A. No.5149/2011

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

Pending application(s), if any, stands disposed of.

C.A. No.5148/2011

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(RENU KAPOOR)
BRANCH OFFICER