

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6369 of 2004

STATE OF M.P. & ANR.

Appellant (s)

VERSUS

M.P. PENSIONERS SAMAJ & ANR.

Respondent(s)

O R D E R

This appeal is directed against the order passed by the High Court of Madhya Pradesh at Jabalpur in Writ Petition no.3814 of 2002 dated 15th September, 2003.

At the time of issuance of the notice on 27th January, 2004, this Court passed the following order:

"The apprehension of the learned counsel for the petitioners is that even though in the first part of the order it is provided that the payment factor should be notionally added to the pension, meaning thereby that the actual payment would not be made. But in the latter part of the order it is observed that if on the basis of the computation, as indicated in the earlier part, the arrears, if any, would become payable within six months. It is submitted that in view of the ambiguous order as passed, the liability of arrears may be fastened upon the petitioners. Let a limited notice be issued to the extent as indicated above."

The proper course for the appellants was to have filed a review application before the High Court in stead of approaching this Court. Be that as it may, we leave it open to the State to file a review application alleging above discrepancy to the notice of the High Court within two months from today. Learned counsel for Respondents submitted that he had also filed a

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review application No. MCC 3385 of 2003. Since the matter was pending before this Court, on 20th February, 2004, the review application filed by the Respondents (herein) was disposed of by the High Court on the ground that the matter is sub judice before this Court. Let this review petition be revived on the request made by learned counsel for the Respondents (herein) so that both the review applications can be heard and disposed of together in accordance with law by the High Court. The appeal is, accordingly, disposed of.

..J.

.....  
(A.K. Mathur)

..J.

.....  
(Tarun Chatterjee)

New Delhi;

February 22, 2007.

ITEM NO.107

COURT NO.9

SECTION IV

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. 6369 of 2004

STATE OF M.P. & ANR.

Appellant (s)

VERSUS

M.P. PENSIONERS SAMAJ & ANR.

Respondent(s)

(With office report )

Date: 22/02/2007 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. S.K. Dubey, Sr. Adv.

Ms. Vibha Datta Makhija, Adv.

For Respondent(s)

Mr. Prakash Shrivastava, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

(K.K. Chawla)  
Court Master

(Khushi Ram)  
Court Master

[Signed order is placed on the file]