

ITEM NO.2

COURT NO.7

SECTION XV

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).3870/2008

(From the judgement and order dated 13/04/2007 in
9468/2003 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SCA No.

BHARAT SANCHAR NIGAM LTD.

Petitioner(s)

VERSUS

DEV DAN KESHA GAMIT KARBHARI FALIA

Respondent(s)

(With prayer for interim relief and office report)

Date: 19/11/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Vikas Mehta, Adv.

For Respondent(s)

Ms. M. Qamaruddin, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed

order.

CA No. of 2010 @ SLP(C) No. 3870 of 2008

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(KALYANI GUPTA)
SR. P.A.

(VEENA KHERA)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10127 OF 2010
ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO. 3870 OF 2008

VERSUS

O R D E R

Leave granted.

We have perused the impugned order dated 13th April, 2007. In the light of the fact that the petition has

been disposed of as infructuous on the ground that the respondent had reached the age of superannuation and

there is no discussion on the merits of the controversy with regard to the legality of the order

of reinstatement, we are prima facie of the opinion that in the absence of any such finding the respondent would not be entitled to any retiral benefits as well.

To our

mind, a decision on merits of the controversy with regard to the respondent's service has to be rendered before any CA No. of 2010 @ SLP(C) No. 3870 of 2008

consequential order can be made.

We, accordingly, allow this appeal, set aside the impugned order and remit the case to the High Court for re-decision on the merits of the case. Parties shall

appear before the High Court on the 16th of December, 2010, before the Registrar of the High Court so that the service can be completed. We also request the High Court

to dispose of the matter within four months thereafter.

.....J
[HARJIT SINGH BEDI]

.....J

[CHANDRAMAULI KR. PRASAD]

NEW DELHI
NOVEMBER 19, 2010.