

ITEM NO.12

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21452/2013

(Arising out of impugned final judgment and order dated 16/07/2012  
in FMA No. 1735/2003 passed by the High Court Of Calcutta)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

RAJAT KUMAR GHOSH  
(For final disposal)

Respondent(s)

Date : 26/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Mr. Maninder Singh, ASG  
Ms. Asha Gopalan Nair, Adv.  
Mr. Nalin Kohli, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. B. Krishna Prasad, Adv.

For Respondent(s)

Mr. Parthapratim Chaudhuri, Adv.  
Mr. K. S. Rana, Adv.

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

Leave granted.

The appeal is allowed in part in terms of the signed  
order.

No order as to costs.

Pending applications, if any, stand disposed of.

[H.S.PARASHER]  
COURT MASTER

[SUKHBIR PAUL KAUR]  
A.R.-CUM-P.S.

(Singed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4483 OF 2016  
(Arising out of S.L.P.(C) No.21452 of 2013)

UNION OF INDIA AND OTHERS

Appellant(s)

Versus

RAJAT KUMAR GHOSH

Respondent(s)

O R D E R

1. We have heard Mr. Maninder Singh, learned ASG appearing on behalf of the petitioners and Mr. Parthaprati Chaudhuri, learned counsel appearing on behalf of the respondent.

2. Leave granted.

3. The present appeal by special leave is directed against the judgment and order dated 16.7.2012 passed by the High Court of Calcutta in F.M.A. No. 1735 of 2003 whereby the Division Bench has granted invalid pension as well as pension for disabled persons.

4. In the course of arguments, learned counsel for the respondent, being aware of the decision in Union of India and another versus Bashirbhai R. Khiliji, reported in (2007) 6 SCC 16, fairly stated that the respondent will not be entitled to invalid pension.

5. Mr. Maninder Singh, learned ASG has drawn our attention to the decision of this Court titled as Union

of India and others versus Keshar Singh, reported in (2007) 12 SCC 675. He also submits that the respondent shall not be entitled to disability pension.

6. Having perused the judgment passed by the High Court, we find that the reasoning given by the High Court with regard to entitlement of the respondent to get disability pension cannot be find fault with.

7. While agreeing with the learned counsel for the respondent that the respondent would not be entitled to invalid pension, we uphold the reasoning for grant of disability pension to the respondent.

8. This appeal is, accordingly, allowed in part.

9. No order as to costs.

.....J.  
(DIPAK MISRA)

.....J.  
(SHIVA KIRTI SINGH)

New Delhi,  
April 26, 2016