

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 Respondent(s)  
(For final disposal)

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

CORAM :

HON&#39;BLE MR. JUSTICE DIPAK MISRA  
HON&#39;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] [ SUKHBIR PAUL KAUR]

COURT MASTER 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.  
Parthapratim 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

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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