

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2024
(@ SPECIAL LEAVE PETITION (CIVIL) NO.6424/2021)

JAMES PHILIP

APPELLANT(S)

VERSUS

THE STATE OF KERALA & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

2. The issue for consideration in this appeal is with respect to the recovery sought to be made from the appellant. Admittedly, the appellant is not responsible for the fixation of scale of pay, and the recovery is sought to be made is after considerable length of time. The appellant is a retired employee, who retired on 31.03.1919.

3. In such view of the matter, we are inclined to set aside the impugned order insofar as the recovery of the arrears from the appellant is concerned.

4. The appeal is allowed accordingly.

5. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
JANUARY 30, 2024

ITEM NO.40

COURT NO.14

SECTION XI-A

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 (C) NO(S). 6424/2021

(Arising out of impugned final judgment and order dated 15-03-2021 in WA No. 1343/2020 passed by the High Court Of Kerala At Ernakulam)

JAMES PHILIP

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.56087/2021-EXEMPTION FROM FILING O.T.)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Himinder Lal, AOR

For Respondent(s) Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Ms. Miranda Solaman, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)