

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. 1456 OF 2008

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

S.P. VOHRA

Respondent(s)

(With office report )

Date: 20/05/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE N.V. RAMANA  
(Vacation Bench)

For Appellant(s)

Mr. S.P. Singh, Sr.Adv.  
Syed Tanweer Ahmad, Adv.  
Mr. S.K. Bajwa, Adv.  
Mr. S.N. Terdol. Adv.  
Mr. D.S. Mahra, Adv.

For Respondent(s)

Respondent-In-Person (NP)

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

The appeal is disposed of without any  
order as to costs in terms of the signed order.

(Usha Bhardwaj)  
A.R.-cum-P.S.

[Renuka Sadana]  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1456 OF 2008

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.. Appellant(s)

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S.P. Vohra

.. Respondent(s)

O R D E R

Heard Mr. S.P. Singh learned senior counsel  
appearing on behalf of the appellants. None has appeared  
for the respondent.

The respondent instituted O.A.No.503 of 1990  
before the Central Administrative Tribunal, Ahmedabad  
Bench, (for short the 'Tribunal') for computation of his  
past service commencing 10.02.51 to 20.01.54 and grant him

revision/fixation of his seniority and the consequential consideration for promotion and higher pay.

On a perusal the order passed by the Tribunal, it is perceivable that it has issued the following directions:

"In view of what has been held and discussed above, we are convinced that the applicant is entitled to the relief prayed for by him. In the result, this OA is allowed and the respondents are directed to consider the past service of the applicant from 10.02.51 onwards not only for the purpose of pension but also for the purpose of refixation/revision of seniority in the seniority unit to which he belongs. We further direct that if the applicant is found entitled to any enhancement in his pay or promotion as consequential benefits, the same shall be notionally fixed from the relevant dates but the ...2/-

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arrears shall be paid from a date one year prior to the filing of this O.A, (09-11-1990). We further direct that this order shall be implemented within three months from the date of receipt of a copy of this order."

The order passed by the Tribunal was assailed before the High Court under Article 226 and 227 of the Constitution in Special Civil Application No.6933 of 1999 and the High Court by the impugned order has affirmed the said directions of the Tribunal.

Mr. Singh learned senior counsel for appellants submitted that the respondent has already been given the pensionary benefits counting the aforesaid period as a part of his services rendered in the Railways. The principal grievance which has been agitated by Mr. Singh is that the direction for re-fixation/revision of seniority and grant of consequential benefits on the ground that if such a direction is allowed to stand it will create disturbance in the seniority position even in future. Regard being had

to the apprehension of Mr. Singh we are only inclined to modify the order of the Tribunal that has been affirmed by the High Court that the period in question apart from computed towards pension shall also be taken into consideration for fixation of pay scale notionally so that

he can get higher pension. The arrears of pension on the basis of re-computation by grant of higher pay scale to the

..3/-

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respondent shall be paid within three months hence. We hasten to add this direction we have passed regard being had to the peculiar facts and circumstances of the case and it shall not be treated as a precedent in any other case.

With the aforesaid modification. the appeal stand disposed of without any order as to costs.

.....J.  
[DIPAK MISRA]

.....J.  
[N.V. RAMANA]

NEW DELHI,  
MAY 20, 2014.