

(2010) 01 SC CK 0035

In the Supreme Court Of India

Case No : Civil Appeal No. 478 of 2010 (Arising out of S.L.P. (Civil) No. 15969 of 2009) , Civil Appeal No. 479 of 2010 (Arising Out of SLP (C) No. 15974 of 2006) , Civil Appeal No. 480 of 2010 (Arising Out of SLP (C) No. 15975 of 2006) , Civil Appeal No. 481 of 20

Uttaranchal Pey Jal S.V.A.N. Nigam and Others APPELLANT
Vs

Arvind Garg and Another RESPONDENT

Date of Decision : 18-01-2010

Acts Referred:

Citation : (2010) 126 FLR 557 : (2010) 1 SCALE 569 : (2010) 12 SCC 510 : (2011) 1 SCC(L&S) 159 : (2010) 1 UD 19

Hon'ble Judges : T. S. Thakur, J;D. K. Jain, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.
2. Since this batch of appeals involve a similar issue, they are disposed of by this common order.
3. The short question for consideration in these appeals is whether the employees of the appellant Nigam were entitled to continue in service upto the age of 60-years, in the light of the decision of this Court in Harwindra Kumar Vs. Chief Engineer, Karmik and Others, , despite the fact that they did not challenge their retirement and collected the post retirement benefits.
4. A similar issue came up for consideration of this Court in Chairman, U.P. Jal Nigam and Another Vs. Jaswant Singh and Another, , wherein applying the doctrine of laches, it was held that no relief could be granted to the persons who had approached the Court after their retirement. Only those persons who had filed the writ petitions when they were in service or who had obtained interim orders for their retirement, could be allowed to benefit from the decision in Harwinder Singh's case (supra).

5. Pursuant to our order dated 26th October, 2009, an affidavit has been filed by the Executive Engineer, Uttaranchal Pey Jal Nigam. In the said affidavit information with regard to the date of retirement of each of the respondents and date of their filing writ petitions in the High Court, seeking parity in the age of retirement with the employees of the State Government has been furnished. As per the said statement, except for Lalit Mohan Pant, all the respondents had preferred the writ petitions much after their superannuation.

6. In view of the information so furnished, which is not disputed by learned Counsel for the respondents, we are of the opinion that in view of the decision of this Court in Jaswant Singh's case (supra) the decision of the High Court cannot be sustained.

7. Accordingly, following the said decision, with which we are in respectful agreement, the appeals are allowed and the impugned orders are set aside leaving the parties to bear their own costs.

8. At this juncture, learned Counsel appearing on behalf of the respondents prays that the appellant may be directed to consider the claim of the respondents at least for the purpose of pensionary benefits. We express no opinion on the submission. It will be open to the respondents to make representation to the authorities concerned on the issue. As and when such representations are made, the same shall be considered expeditiously on their own merit.

9. All the appeals stand disposed of in the above terms.