

Supreme Court of India

Union Of India vs S.K. Lall on 17 March, 1994

Equivalent citations: 1994 AIR 2221, 1994 SCC (4) 68

Author: S N.P.

Bench: Singh N.P. (J)

PETITIONER:

UNION OF INDIA

Vs.

RESPONDENT:

S.K. LALL

DATE OF JUDGMENT 17/03/1994

BENCH:

SINGH N.P. (J)

BENCH:

SINGH N.P. (J)

AHMADI, A.M. (J)

CITATION:

1994 AIR 2221

1994 SCC (4) 68

JT 1994 (3) 26

1994 SCALE (2) 276

ACT:

HEADNOTE:

JUDGMENT:

The Judgment of the Court was delivered by N.P. SINGH, J.- Civil Appeal No. 1773 of 1994 1. Leave granted.

+ Arising out of SLP (C) No. 1884 of 1989

2. This appeal is on behalf of the Union of India, against an order dated october 7, 1988 passed by the Central Administrative Tribunal, Allahabad (hereinafter referred to as the 'Tribunal').

3. Respondent retired from the service on July 31, 1979. He filed an application before the Tribunal for a direction that an option be given in terms of the Office Memorandum No. F-19(4)-E.V./79 dated May 25, 1979, even to those who retired between April 30, 1979 and January 30, 1982. A grievance was made that in terms of the aforesaid Office Memorandum, option could be exercised only by persons, who retired on or after September 30, 1977 but not later than April 30, 1979. The

Tribunal allowed the said application. During the hearing of the present appeal, we were informed that by a later order, the period of exercising the option has been extended up to February 1, 1982. The validity of the Office Memorandum No. F-19(4)-E.V./79 dated May 25, 1979 has been examined in detail in Civil Appeal No. 517 of 1987 (Union of India v. P.N. Menon<sup>1</sup>) disposed of today. Any grievance made on behalf of the respondent, in respect of the said Office Memorandum shall be examined, in terms of the judgment in the aforesaid appeal. In that view of the matter, hardly anything survives requiring any order or direction by this Court. Accordingly, the appeal is disposed of in terms of the judgment delivered today in Civil Appeal No. 517 of 1987. There will be no order as to costs.

Civil Appeal No. 1782 of 1994

4. Leave granted.

5. This appeal has been filed against an order dated May II, 1989 passed by the Central Administrative Tribunal, Jodhpur, holding that the members of the All India Services Pensioners respondents, who retired between December 31, 1978 and January 31, 1982, were entitled to the full graded dearness relief i.e. Rs 200 per month, from December 1, 1978. This dispute has arisen in view of the Office Memorandum No. F-19(4)-E.V./79 dated May 25, 1979. The Tribunal has pointed out certain anomaly with respect to the grievance of the respondents. During the hearing of the appeal, we were informed that the said anomaly has been removed. Accordingly, this appeal is disposed of in terms of the judgment delivered today in Civil Appeal No. 517 of 1987 (Union of India v. P.N. Menon<sup>1</sup>). There will be no order as to costs.

Civil Appeal Nos. 1774, 1775-78, 1779, 1780 & 1781 of 1994

6. Leave granted in all the above mentioned special leave petitions. These appeals have been filed on behalf of the Union of India. They are disposed of in terms of the judgment delivered today by this Court in Civil Appeal No. 517 of 1987 (Union of India v. P.N. Menon). There will be no order as to costs.

Writ Petition (C) No. 611 of 1991

7. During the hearing of the writ petition, counsel for the parties agreed that this case is fully covered by the judgment of this Court in Action Committee South Eastern Railway Pensioners v. Union of India<sup>2</sup>. Accordingly, the writ petition is disposed of in terms of the aforesaid judgment. There will be no order as to costs.

1 (1994) 4 SCC 68

2 1991 Supp (2) SCC 544