

(2010) 04 P&H CK 0140

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Lt. Col. Surjit Singh Gill and
Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: April 23, 2010

Acts Referred:

- Constitution of India, 1950 - Article 32

Hon'ble Judges: Augustine George Masih, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Augustine George Masih, J.

C.M. No. 50.08 of 2010

1. Prayer in the present application is for listing the case for final disposal in the light of the order passed by the Hon"ble Supreme Court in the Transfer Petition (Civil) No. 56 of 2007 titled as Union of India and Ors. v. N.K. Nair and Ors. and other connected writ petitions preferred before the Hon"ble Supreme Court.

2. Notice of the application was issued to the respondents on the last date of hearing. Ms. Ranjana Shahi, Central Government Counsel, has put in appearance on behalf of the respondents.

3. Heard counsel for the parties.

4. Prayer made in the application is allowed.

5. The main case is taken up for hearing with the consent of the counsel for the parties.

6. Application stands disposed of.

7. Counsel for the petitioners states that the present case is fully covered by the judgment of the Hon"ble Supreme Court in Transfer Petition (Civil) No. 56 of 2007 titled as Union of India and Ors. v. N.K. Nair and Ors. and other connected writ petitions. The said judgment was pronounced by the Hon"ble Supreme Court on 08.03.2010, wherein the Hon"ble Supreme Court has upheld and affirmed the Division Bench judgment of the High Court of Kerala and held the official entitled to grant of rank pay retrospectively w.e.f. 01.01.1986. He, therefore, contends that the present writ petition be allowed in the same terms. Counsel for the respondents does not dispute the contention, as raised by the counsel for the petitioners.

8. Heard counsel for the parties.

9. The Hon"ble Supreme Court, vide its order dated 08.03.2010, has held as follows:

ORDER

Heard learned Counsel for the petitioners and Mr. Mohan Jain, learned Addl. Solicitor General appearing for the Union of India.

Application for intervention in T.P.(C) No. 56/2007 is allowed.

Since the issue involved in the writ petitions pending before the various High Courts is the same as in Writ Petition (c) Nos. 96/2009 and 34/2009 pending before this Court, this transfer petition is allowed. Writ Petition Nos. 11056/2006, 11128/2006, 10810/2006, 13508/2006, 13497/2006 and 18176 of 2006 pending before the High Court of Kerala, Writ Petition No. 13904/2006 pending before the High Court of Andhra Pradesh and Writ Petition Nos. 1935/2006, 1934/2006, 1957/2006 and 47909/2006 pending before the High Court of Allahabad are directed to be transferred to this Court and taken on Board.

The prayer in these writ petitions under Article 32 of the Constitution is for grant of benefits awarded by a learned Single Judge of the Kerala High Court vide his judgment dated 5.10.1998 in O.P. 2448/1996 which has been affirmed by the Division Bench of the High Court in Writ Appeal No. 518/1999 by judgment dated 4.7.2003.

We have carefully perused the judgment dated 5.10.1998 of the learned Single Judge as well as judgment dated 4.7.2003 of the Division Bench of the High Court of Kerala and we respectfully agree with the reasoning given therein for grant of rank pay retrospectively from 1.1.1986. We also direct interest to be paid thereon at 6% p.a. Accordingly, these writ petitions as well as the transferred writ petitions are allowed.

No order as to costs.

(Markandey Katju, J.)

(R.M. Lodha, J.)
New delhi;
March 08, 2010.

10. The present writ petition is allowed in the same terms with a further direction that the amount of arrears along with interest be released to the petitioners within a period of five months" from the date of receipt of a certified copy of this order.