

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 478 OF 2010
(Arising out of S.L.P. (Civil) No.15969 of 2009)

Uttaranchal Pey Jal S.V.A.N. Nigam & Ors. ...Appellants

Versus

Arvind Garg & Anr.

...Respondent

WITH

CIVIL APPEAL NO.479/2010 @ SLP(C) NO. 15974 of 2006
CIVIL APPEAL NO.480/2010 @ SLP(C) NO. 15975 of 2006
CIVIL APPEAL NO.481/2010 @ SLP(C) NO. 15976 of 2006
CIVIL APPEAL NO.482/2010 @ SLP(C) NO. 15977 of 2006
CIVIL APPEAL NO.483/2010 @ SLP(C) NO. 15978 of 2006
CIVIL APPEAL NO.484/2010 @ SLP(C) NO. 15979 of 2006
CIVIL APPEAL NO.485/2010 @ SLP(C) NO. 15980 of 2006
CIVIL APPEAL NO.486/2010 @ SLP(C) NO. 15981 of 2006
CIVIL APPEAL NO.487/2010 @ SLP(C) NO. 15982 of 2006
CIVIL APPEAL NO.488/2010 @ SLP(C) NO. 15983 of 2006
CIVIL APPEAL NO.489/2010 @ SLP(C) NO. 15984 of 2006
CIVIL APPEAL NO.490/2010 @ SLP(C) NO. 15985 of 2006
CIVIL APPEAL NO.491/2010 @ SLP(C) NO. 15986 of 2006
CIVIL APPEAL NO.492/2010 @ SLP(C) NO. 15987 of 2006
CIVIL APPEAL NO.493/2010 @ SLP(C) NO. 15988 of 2006
CIVIL APPEAL NO.494/2010 @ SLP(C) NO. 15989 of 2006
CIVIL APPEAL NO.495/2010 @ SLP(C) NO. 15990 of 2006
CIVIL APPEAL NO.496/2010 @ SLP(C) NO. 15991 of 2006
CIVIL APPEAL NO.497/2010 @ SLP(C) NO. 15992 of 2006
CIVIL APPEAL NO.498/2010 @ SLP(C) NO. 15993 of 2006
CIVIL APPEAL NO.499/2010 @ SLP(C) NO. 15994 of 2006
CIVIL APPEAL NO.500/2010 @ SLP(C) NO. 15995 of 2006
CIVIL APPEAL NO.501/2010 @ SLP(C) NO. 15996 of 2006
CIVIL APPEAL NO.502/2010 @ SLP(C) NO. 15997 of 2006
CIVIL APPEAL NO.503/2010 @ SLP(C) NO. 15998 of 2006
CIVIL APPEAL NO.504/2010 @ SLP(C) NO. 15999 of 2006
CIVIL APPEAL NO.505/2010 @ SLP(C) NO. 16001 of 2006
CIVIL APPEAL NO.506/2010 @ SLP(C) NO. 16004 of 2006
CIVIL APPEAL NO.507/2010 @ SLP(C) NO. 16006 of 2006
CIVIL APPEAL NO.508/2010 @ SLP(C) NO. 16007 of 2006
CIVIL APPEAL NO.509/2010 @ SLP(C) NO. 16008 of 2006
CIVIL APPEAL NO.510/2010 @ SLP(C) NO. 16009 of 2006
CIVIL APPEAL NO.511/2010 @ SLP(C) NO. 16010 of 2006
CIVIL APPEAL NO.512/2010 @ SLP(C) NO. 16015 of 2006
CIVIL APPEAL NO.513/2010 @ SLP(C) NO. 16011 of 2006

CIVIL APPEAL NO.514/2010 @ SLP(C) NO. 16012 of 2006
CIVIL APPEAL NO.515/2010 @ SLP(C) NO. 16013 of 2006
CIVIL APPEAL NO.516/2010 @ SLP(C) NO. 16018 of 2006
CIVIL APPEAL NO.517/2010 @ SLP(C) NO. 16016 of 2006
CIVIL APPEAL NO.518/2010 @ SLP(C) NO. 14757 of 2006
CIVIL APPEAL NO.519/2010 @ SLP(C) NO. 19960 of 2006
CIVIL APPEAL NO.520/2010 @ SLP(C) NO. 16511 of 2006
CIVIL APPEAL NO.521/2010 @ SLP(C) NO. 16512 of 2006
CIVIL APPEAL NO.522/2010 @ SLP(C) NO. 16513 of 2006
CIVIL APPEAL NO.523/2010 @ SLP(C) NO. 16257 of 2006
CIVIL APPEAL NO.524/2010 @ SLP(C) NO. 16515 of 2006
CIVIL APPEAL NO.525/2010 @ SLP(C) NO. 17681 of 2006
CIVIL APPEAL NO.526/2010 @ SLP(C) NO. 17801 of 2006
CIVIL APPEAL NO.527/2010 @ SLP(C) NO. 17987 of 2006
CIVIL APPEAL NO.528/2010 @ SLP(C) NO. 18078 of 2006
CIVIL APPEAL NO.529/2010 @ SLP(C) NO. 18081 of 2006
CIVIL APPEAL NO.530/2010 @ SLP(C) NO. 18082 of 2006
CIVIL APPEAL NO.531/2010 @ SLP(C) NO. 18083 of 2006
CIVIL APPEAL NO.532/2010 @ SLP(C) NO. 18085 of 2006
CIVIL APPEAL NO.533/2010 @ SLP(C) NO. 18087 of 2006
CIVIL APPEAL NO.534/2010 @ SLP(C) NO. 18096 of 2006
CIVIL APPEAL NO.535/2010 @ SLP(C) NO. 18097 of 2006
CIVIL APPEAL NO.536/2010 @ SLP(C) NO. 18098 of 2006
CIVIL APPEAL NO.537/2010 @ SLP(C) NO. 18099 of 2006
CIVIL APPEAL NO.538/2010 @ SLP(C) NO. 18100 of 2006
CIVIL APPEAL NO.539/2010 @ SLP(C) NO. 18102 of 2006
CIVIL APPEAL NO.540/2010 @ SLP(C) NO. 18107 of 2006
CIVIL APPEAL NO.541/2010 @ SLP(C) NO. 18108 of 2006
CIVIL APPEAL NO.542/2010 @ SLP(C) NO. 18109 of 2006
CIVIL APPEAL NO.543/2010 @ SLP(C) NO. 18112 of 2006
CIVIL APPEAL NO.544/2010 @ SLP(C) NO. 18113 of 2006
CIVIL APPEAL NO.545/2010 @ SLP(C) NO. 18124 of 2006
CIVIL APPEAL NO.546/2010 @ SLP(C) NO. 18130 of 2006
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CIVIL APPEAL NO.550/2010 @ SLP(C) NO. 18293 of 2006
CIVIL APPEAL NO.551/2010 @ SLP(C) NO. 18295 of 2006
CIVIL APPEAL NO.552/2010 @ SLP(C) NO. 18296 of 2006
CIVIL APPEAL NO.554/2010 @ SLP(C) NO. 18297 of 2006
CIVIL APPEAL NO.555/2010 @ SLP(C) NO. 18298 of 2006
CIVIL APPEAL NO.556/2010 @ SLP(C) NO. 18299 of 2006
CIVIL APPEAL NO.557/2010 @ SLP(C) NO. 18300 of 2006
CIVIL APPEAL NO.558/2010 @ SLP(C) NO. 18333 of 2006
CIVIL APPEAL NO.559/2010 @ SLP(C) NO. 18342 of 2006
CIVIL APPEAL NO.560/2010 @ SLP(C) NO. 18370 of 2006
CIVIL APPEAL NO.561/2010 @ SLP(C) NO. 18373 of 2006
CIVIL APPEAL NO.562/2010 @ SLP(C) NO. 18892 of 2006
CIVIL APPEAL NO.563/2010 @ SLP(C) NO. 17485 of 2006
CIVIL APPEAL NO.564/2010 @ SLP(C) NO. 17486 of 2006

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CIVIL APPEAL NO.565/2010 @ SLP(C) NO. 17487 of 2006

CIVIL APPEAL NO.566/2010 @ SLP(C) NO. 17155 of 2006

O R D E R

Leave granted.

Since this batch of appeals involve a similar issue, they are disposed of by this common order.

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 Harwinder Singh's case (2005) 13 SCC 300, despite the fact that they did not challenge their retirement and collected the post retirement benefits.

A similar issue came up for consideration of this Court in U.P. Jal Nigam & Anr. vs. Jaswant Singh & Anr. 2006 (11) SCC 464, 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).

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

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furnished. As per the said statement, except for Lalit Mohan Pant, all the respondents had preferred the writ petitions much after their superannuation.

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.

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.

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.

All the appeals stand disposed of in the above terms.

.....J.
(D.K. JAIN)

.....J.
(T.S THAKUR)

New Delhi,

January 18, 2010.

SUPREME COURT OF INDIA



JUDGMENT