

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6001 OF 2009
[arising out of SLP(C) No. 28174 of 2008]

SECRETARY, KERALA STATE
ELECTRICITY BOARD & ANR. APPELLANTS

VERSUS

K. SUDHAKARA PANICKER RESPONDENT

O R D E R

Leave granted.

By the impugned judgment, the respondent herein, who is an employee of the appellant-Kerala State Electricity Board has been granted the benefit of past service towards the computation of pension.

Mr. M.T. George, the learned counsel for the appellant-Board has, however, produced before us a Government Order dated 2nd February, 2001 whereby the benefit of past service has to be granted though some public bodies and Public Sector Undertakings or those set up under Central or State Legislations are excluded. It is the contention of Mr. George that the State Electricity Board has been set up under a Statute and the Government Order was not applicable to the

respondent's case.

The learned counsel for the respondent has in his reply stated that in a matter which came up before the High Court a similar order had been made in favour of an employee and the said order had been complied with by the appellant-Board. Be that as it may, we deem it appropriate that the matter be remanded to the High Court to go into the matter afresh. We request the High Court to take into account the aforesaid Government Order and any other material which are put on record by the parties. We request the High Court to take a final decision within six months from today as the sole respondent herein is a retiree.

Parties are directed to appear before the High court on 7th December, 2009.

The appeal is allowed in the above terms.

.....J
[HARJIT SINGH BEDI]

.....J
[J.M. PANCHAL]

NEW DELHI
AUGUST 31, 2009.