

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 10127 OF 2010
ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO. 3870 OF 2008**

BHARAT SANCHAR NIGAM LTD. APPELLANT

VERSUS

DEV DAN KESHA GAMIT KARBHARI FALIA RESPONDENT

O R D E R

Leave granted.

We have perused the impugned order dated 13th April, 2007. In the light of the fact that the petition has been disposed of as infructuous on the ground that the respondent had reached the age of superannuation and there is no discussion on the merits of the controversy with regard to the legality of the order of reinstatement, we are prima facie of the opinion that in the absence of any such finding the respondent would not be entitled to any retiral benefits as well. To our mind, a decision on merits of the controversy with regard to the respondent's service has to be rendered before any consequential order can be made.

We, accordingly, allow this appeal, set aside the impugned order and remit the case to the High Court for

re-decision on the merits of the case. Parties shall appear before the High Court on the 16th of December, 2010, before the Registrar of the High Court so that the service can be completed. We also request the High Court to dispose of the matter within four months thereafter.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
NOVEMBER 19, 2010.

