

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 434 OF 2012
(@ SPECIAL LEAVE PETITION(C)NO.12331 OF 2011)

UNION OF INDIA & ORS.

... APPELLANTS

VERSUS

M.C. SHARMA

... RESPONDENT

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order dated 19.01.2011 passed by the High Court of Delhi at New Delhi in Writ Petition No.5607 of 2010.
3. Heard learned counsel for the parties to the *lis*.
4. The High Court, while granting relief sought for by the appellants, has primarily relied on a decision of this Court in the case of Raghu Nandan Lal Chaudhary & Ors. Vs. Union of India, decided on 7th April, 1988, reported in (1988) 2 SCC 406.
5. At the time of hearing of this appeal, it is brought to our notice by learned counsel appearing for the appellants that the decision of this Court in the case of Raghu Nandan Lal Chaudhary (supra) has been over-ruled by a larger Bench of this Court in the case of Union of India & Anr. Vs. Satish Kumar, decided on October 25, 2005, reported in (2006) 1 SCC 360.
6. In our opinion, had the appellants brought to the notice of the High Court, the decision of the larger Bench of this Court in Satish Kumar's case (supra), we do not think the High Court would

have committed a mistake in over-looking the later judgment of a larger Bench of this Court.

7. In this view of the matter, we cannot sustain the judgment and order passed by the High Court and the same is set aside, since the matter is squarely covered by the decision of this Court in the case of Satish Kumar (supra).

Appeal allowed accordingly. No order as to costs.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
JANUARY 13, 2012



JUDGMENT