

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8661 OF 2009

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

R.K. GUPTA & ORS.

Respondent(s)

WITH

C.A. No. 8703 OF 2009

J U D G M E N T

KURIAN, J.

1. Heard Ms. Nidhi Gupta, learned counsel appearing for the State of Haryana and Mr. M. C. Dhingra, learned counsel appearing for the respondents.

2. The State is aggrieved by the Judgment dated 11.08.2003 in Civil Writ Petition No. 4518 of 2000, in the matter of additional Dearness Allowance, wherein the High Court followed an earlier judgment in CWP No. 13300 of 1990, however, limiting the monetary benefits to 38 months immediately preceeding the filing of the Writ Petition.

3. It is seen that the relied on judgment was pursued before this Court in SLP (C) No. 2578 of 1996 and by order dated 09.05.1997, the same was dismissed on the ground of delay. The State filed Review Petition (C) No. 2246 of 1998. There was a delay in filing the

Review Petition as well. However, this Court dismissed the Review Petition observing "*.....both on the ground of limitation as well as on merits.*" Thus, the relied on Judgment has become final at the hands of this Court.

4. We also find another order dated 09.10.2001 of this Court in the appeal filed by the State of Haryana itself in Civil Appeal No. 923 of 1992, wherein also, this Court took the view that the orders passed by the High Court did not call for any interference.

5. Though Ms. Nidhi Gupta, learned counsel for the State, made a persuasive attempt inviting our attention to the earlier Judgment of this Court titled as "State of Haryana and Anr. Vs. O. P. Sharma & Ors" and other connected matters, reported in (1993) Supp. 2 SCC 386, we are afraid we cannot take a different view than what has been taken in the relied on Judgment, which has attained finalty before this Court on merits.

6. In view of the above, the Civil Appeals are dismissed with no order as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ARUN MISHRA]

New Delhi;
December 08, 2015.