

ITEM NO.3 + 12

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. NO.1224 of 2017 in C.A.No(s). 2147/2011

T S DAS & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No.111570/2017-APPROPRIATE ORDERS/DIRECTIONS)

WITH CONMT.PET. (C) No. 1860/2017 in C.A. No. 2147/2011 (XIV)

CONMT.PET. (C) No. 4/2018 in SLP(C) No. 19790/2010 (XVII)

M.A.No.1067 of 2018 in C.A. NO.2147 of 2011 (XIV)

(I.A. NO.30242/2018,

I.A.No.30244/2018- Clarification/Direction)

Contempt Pet.(C)NO.924 of 2018 in Contempt Pet.(C)No.911/2017 (XIV)

Date : 18-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. R. Venkatramani, Sr. Adv.

(M.A.No.1224/2017) Mr. Jose Abraham, AOR

Mr. M.P. Srivignesh, Adv.

Mr. Yashraj Bundela, Adv.

Mr. Shamsher Singh, Adv.

(C.P.No.1860/2017) Mr. Prashant Bhushan, AOR

Mr. J. Sudhaker, Adv.

(C.P.NO.4/2018) Mr. J.P. Cama, Sr. Adv.

Mr. Anukul Raj, Adv.

Ms. Nikita Raj, Adv.

Mr. Abhinav Shrivastava, AOR

(M.A.No.1067/2018) Mr. R. Basant, Sr. Adv.

Mr. Jose Abraham, AOR

Mr. M.P. Srivignesh, Adv.

Mr. Vivek Anandh, Adv.

(C.P.NO.924/2018) Mr. F.I. Choudhury, AOR

For Respondent(s) Mr. Maninder Singh, ASG
 Ms. Kiran Suri, Sr. Adv.
 Mr. P.K. Dey, Adv.
 Mr. R. Balasubramanian, Adv.
 Mr. Prabhas Bajaj, Adv.
 Ms. Aarti Sharma, Adv.
 Mr. Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following
O R D E R

In the judgment dated 27th October, 2016, this Court
 directed as follows:

"25. Thus understood, all sailors appointed prior to 3rd July, 1976 and whose tenure of initial active service/empanelment period expired on or after 3rd July, 1976 may be eligible for a Special Pension under Regulation 95, subject, however, to fulfilling other requirements. In that, they had not exercised the option to take discharge on expiry of engagement (as per Section 16 of the Act of 1957) and yet were not and could not be drafted by the competent Authority to the Fleet Reserve because of the policy of discontinuing the Fleet Reserve Service w.e.f. 3rd July, 1976. The cases of such Sailors (no limited to the original applicants before the Tribunal) must be considered by the Competent Authority within three months for grant of a "Special Pension" from three years prior to the date of application made by the respective Sailor and release payment after giving adjustment of Gratuity and Death-cum-Retirement-Gratuity (DCRG) already paid to them from arrears. They shall be entitled for interest @ 9% P.A. on the arrears, till the date of payment.

Accordingly to the petitioners, who seek Special Pension in terms of the judgment, they they were willing to continue beyond 10 years but since the fleet reserve was not available, they discontinued. According to the Union of India, the fleet reserve was discontinued but 5 years regular service was added and those who continued were given Special Pension but those

did not give any option and were discontinued are not entitled to Special Pension in terms of the above direction.

Since the question is of clearly understanding the direction of this Court and two of the Hon'ble Judges who are parties to the judgment are available, it will be appropriate that the matter is listed before the appropriate Bench for further orders.

List the matter before the appropriate Bench after soliciting the order from Hon'ble the Chief Justice of India.

(MAHABIR SINGH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER