

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8697 OF 2017

(Arising out of S.L.P. (Civil) No.15616 of 2014)

M.N. BHARDWAJ (DEAD) THR. LRS. .. Appellant(s)

Versus

UNION OF INDIA & ORS. .. Respondent(s)

O R D E R

Leave granted.

Having gone through the various orders that have been passed in this case, we are of the view that it was not open to the Directorate to again bring up the plea that the appellant, who has since died, was placed in a low medical category and, therefore, could not be promoted. It is clear that, what was looked into was whether the retirement order was correct, regard being had to the fact that disciplinary action was taken against the appellant. The fact is that there were certain charges against the appellant, who has since died, of which he was ultimately acquitted. Given the fact of acquittal, it is clear that nothing then stood in the way of promotion. The family of the appellant will, therefore, be entitled for all pensionary and other benefits on the basis that the appellant stood promoted to Deputy Commandant. This will be paid within a period

of eight weeks from today.

The appeal stands disposed of accordingly.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI,
JULY 05, 2017.

ITEM NO.4

COURT NO.12

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

Petition(s) for Special Leave to Appeal (C) No(s). 15616/2014

(Arising out of impugned final judgment and order dated 01-04-2014 in WP No. 14/2013 passed by the High Court of Meghalaya at Shilong)

M.N. BHARDWAJ (DEAD THR. LRS)

Petitioner(s)

VERSUS

UNION OF INDIA REPRESENTED BY MINISTRY OF HOME AFFAIRS GOVERNMENT OF INDIA & ORS.

Respondent(s)

Date : 05-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Prashant Bhushan, Adv.
Mr. Vyom Raghuvanshi, Adv.
Ms. Mayuri Raghuvanshi, AOR

For Respondent(s) Mr. Tushar Mehta, ASG
Mr. R. Balasubramanian, Adv.
Ms. Binu Tamta, Adv.
Ms. Aarti Sharma, Adv.
Mr. B. Krishna Prasad, AOR

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

The appeal is disposed of in terms of the signed order.

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

Signed order is placed on the file.