

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 286 of 2023

Appellant :- General Manager Food Corporation Of India Lko. And
Another

Respondent :- Smt. Laxmi Tomar

Counsel for Appellant :- Shikhar Anand

Counsel for Respondent :- Santosh Kumar Mehrotra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

C.M.A. No.2 of 2023 (Application for condonation of delay)

1. Heard Shri Shikhar Anand, learned Counsel for the appellant and Shri Santosh Kumar Mehrotra, learned Counsel for the respondent.

2. The present special appeal instituted under Chapter VIII Rule 5 of the High Court Rules is delayed by 60 days. The appeal is accompanied with an application for condonation of delay supported by an affidavit.

3. Learned Counsel for the respondent does not have any objection if the delay of 60 days in filing the special appeal is condoned.

4. Cause shown being sufficient and in absence of any objection, the application for condonation of delay is allowed and the delay in filing the instant appeal is hereby condoned.

Order on Appeal

5. On a careful consideration of the judgment impugned herein in this special appeal, we do find that the legal position on the subject is otherwise. The case at hand has been decided in the peculiar facts and circumstances.

6. The respondent-employee has remained in service throughout and had attained the age of superannuation even prior to the decision rendered in the writ petition impugned herein.

7. Once a person rightly or wrongly has served the employer satisfactorily for the entire service tenure, the service benefits admissible as a result of such satisfactory service cannot be taken away so as to deprive a person from the livelihood during the time after retirement.

8. Having perused the judgment under challenge, we are not satisfied to interfere in the same. The special appeal is, accordingly, **dismissed**. However, the dismissal of this special appeal shall not be treated to be a precedent.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 6.12.2023

Anand Sri./-