

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16049 OF 2022

Union of India & Ors.	...Petitioners
Versus	
D. B. Vyas	...Respondent

**WITH
INTERIM APPLICATION NO.13275 OF 2024
IN
WRIT PETITION NO.16049 OF 2022**

D. B. Vyas	..Applicant
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IN THE MATTER BETWEEN

Union of India & Ors.	...Petitioners
Versus	
D. B. Vyas	...Respondent

Ms. Vaishali Choudhari, for the Petitioners.
Mr. Rajeshwar G. Panchal a/w Sarang S. Gundajwar & Suresh A. Ghamre, for the Applicant/Org. Respondent.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
M. M. SATHAYE, J.**

DATE : 4th OCTOBER, 2024

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1. Heard learned counsel for the Petitioners and learned counsel representing the Respondent.
2. Under challenge in this Petition is the order dated 18th

February, 2020 passed by the Mumbai Bench of Central Administrative Tribunal (hereinafter referred as “the Tribunal”) in OA No.130 of 2018, whereby the Original Application filed by the Respondent was allowed and a direction was issued to the Petitioners for fixation of pension and other retiral benefits at the revised pay-scale or the last pay drawn by the Respondent at the time of his retirement and the payment of arrears was made subject to final outcome of Writ Petition pending before Hon’ble High Court of Calcutta, namely WPTC No.85 of 2010.

3. This Court while entertaining the Writ Petition had required the Petitioners to make deposit of the amount in terms of the judgment of the Tribunal dated 18th February, 2020. We have been informed that the said amount which is Rs.14 lacs and odd was deposited before this Court on 17th October, 2023, however, for some reason, the Petition was dismissed in default on 19th October, 2023. The Petition has subsequently been restored on 19th December, 2023.

4. By moving Interim Application No.13275 of 2024, the judgment of Hon’ble High Court of Calcutta in WPTC No.85 of 2010 has been brought to our notice, whereby the Writ Petition filed against the order passed by the Calcutta Bench of the Tribunal was dismissed by means of the order dated 10th January, 2024.

5. The aforesaid judgment of Calcutta High Court was challenged by Union of India before Hon’ble Supreme Court by

instituting Special Leave to Appeal (C) No.7764 of 2024, which, too, has been dismissed by the Supreme Court by means of an order dated 19th April, 2024.

6. Accordingly, in view of the later developments and also having regard to the fact that the issue engaging to our attention in this Petition stands settled by the judgment and order dated 10th January, 2024 passed by Calcutta High Court in WPCT No.85 of 2010 which has been upheld by the Hon'ble Supreme Court *vide* its order dated 19th April, 2024, no interference in this Petition is called for.

7. Accordingly, the Writ Petition is dismissed.

8. There would be no order as to costs.

9. We also direct that the amount deposited by the Petitioners pursuant to the order passed by this Court in this Petition shall be permitted to be withdrawn by the Respondent along with the accrued interest. We further direct that the judgment of the Tribunal dated 18th February, 2020 passed in Original Application No.130 of 2018 shall be complied with in letter and spirit by the Petitioners within three months from today.

10. Accordingly, the Interim Application also stands disposed of.

[M. M. SATHAYE, J.]

[CHIEF JUSTICE]