

ITEM NO.46

COURT NO.15

SECTION IV-C

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). 4817/2020

(Arising out of impugned final judgment and order dated 18-12-2019 in MP No. 5436/2018 passed by the High Court Of M.p Principal Seat At Jabalpur)

SURAJ PRATAP SINGH

Petitioner(s)

VERSUS

CHAIRMAN CUM MANAGING DIRECTOR &amp; ORS.

Respondent(s)

Date : 09-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Sanjay K. Agrawal, AOR  
Ms. Ankita Khare, Adv.  
Mr. Sarthak Nema, Adv.  
Mr. Yashovardhan Jain, Adv.  
Mr. Ramsakha Kushwaha, Adv.

For Respondent(s) Mr. Piyush Sharma, AOR  
Mr. Shivam Dubey, Adv.  
Ms. Sakshi Raghav, Adv.

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

We have heard Mr. Sanjay K. Agrawal, learned counsel for the petitioner and also Mr. Piyush Sharma, learned counsel for the respondents.

The petitioner was originally an employee of the Department of Telecommunications. He was subsequently absorbed into Bharat Sanchar Nigam Limited, after its formation and he retired from service on 31.12.2008.

He was convicted for the offences punishable under Section 7, 13(2) read with 13(1)(D) of the Prevention of Corruption Act, 1988 by a judgment of the Special Court dated 28.09.2012.

Admittedly, an appeal against such conviction is now pending.

Based upon the conviction, the respondents passed an order forfeiting the pension and gratuity of the petitioner.

The petitioner successfully challenged the order of forfeiture before the Central Administrative Tribunal, but the said order was reversed by the High Court in a Writ Petition, forcing the petitioner to come up with the present special leave petition.

The sheet anchor of the argument of the learned counsel for the petitioner is that under the amended Rule 37A (24)(c), even the dismissal or removal from service of an employee of Public Sector Undertaking after his absorption from the Government Service, shall not amount to forfeiture of the retirement benefits for the service rendered under the Government.

Rule 37A(25)(c) [subsequently renumbered as

37A(24)(c)] reads as follows :

"37A.(25) Upon conversion of a Government Department into a Public Sector Undertaking-

xxx	xxx	xxx
xxx	xxx	xxx

(c)the dismissal or removal from service of the Public Sector Undertaking of any employee after his absorption in such undertaking for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment the decisions of the undertaking shall be subject to review by the Ministry administratively concerned with the undertaking."

But we do not agree.

At the outset, Rule 37A(24)(c) extends the same benefits as available to a Government servant, even after his absorption into a Public Sector Undertaking. Rule 37A does not confer a better benefit upon a Government Servant absorbed in Public Sector Undertaking.

Therefore, Rule 37A(24)(c) is subject to the other provisions of the Central Civil Services (Pension) Rules, 1972.

The forfeiture ordered by the respondents on the basis of conviction, is with reference to Rule 9 read with Rule 61 of the relevant Rules.

The High Court has rightly interpreted these

Rules and hence, we do not find any ground to interfere with the impugned order. Therefore, the special leave petition is dismissed.

However, it is made clear that if the petitioner is acquitted in the criminal case, he will automatically be entitled to the benefits which now stand forfeited.

Pending applications also stand disposed of.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER