

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7029 OF 2009

STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

SURYADEO PRASAD TEWARY & ORS.

Respondent(s)

WITH

SPECIAL LEAVE PETITION (C) NO. 183 OF 2009

J U D G M E N T

KURIAN, J.

CIVIL APPEAL NO. 7029 OF 2009

1. We are informed that Mr. Pashupati Nath Sinha, who is admittedly junior to Respondent No. 1, has been granted the financial benefits. The learned counsel for the appellants submits that the disbursement of the benefits is pursuant to the order passed in contempt proceedings before the High Court.

2. Be that as it may, that order has become final. The junior having thus enjoyed the benefits and denying the same to admittedly senior, namely Respondent No.1 is not proper and fair.

3. In that view of the matter, the appeal is dismissed. It is directed that the amount lying in deposit in the Registry of this Court shall be immediately disbursed to Respondent No. 1 along with accrued interest.

4. It is made clear that this Judgment is passed in the peculiar facts of this case and, therefore, need not be treated as a precedent.

5. Pending interlocutory applications, if any, stand disposed of.

SPECIAL LEAVE PETITION (C) NO. 183 OF 2009

1. Delay condoned.

2. Application for substitution is allowed.

3. In view of the Judgment passed in Civil Appeal No. 7029 of 2009 above, this Special Leave Petition is dismissed. It is directed that the benefits due to the legal representative(s) of the first respondent shall be computed and disbursed within a period of 12 weeks from today. It is made clear that in case the amount is not disbursed within the stipulated time, the legal representative(s) shall be entitled to interest at the rate of 12% and the officer(s) responsible for the delay shall be personally liable for the same.

4. Pending interlocutory applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
April 28, 2017.