

## **LAND MARK JUDGEMENT FROM SUPREME COURT**

*The Supreme Court has rendered another landmark decision on the subject of pension in a case titled State of Rajasthan Vs Mahendra Nath Sharma.*

*The Court, inter alia, has reiterated the following, tacitly and directly:*

*A. Pension is property and not a bounty based upon the sweet will or grace of the employer. DS Nakara therefore reiterated.*

*B. Arrears have to flow from date of inception of anomaly.*

*C. Employees who are not on rolls on the date of a subsequent revision of pensionary benefit(s) are also eligible for future revision of pension.*

*D. Govt should not perpetrate litigation.*

*The parting shot of the Apex Court:*

*“...It will be appropriate and apposite on the part of the employers to remember the same and ingeminate it time and again so that unnecessary litigation do not travel to the Court and the employers show a definite and correct attitude towards employees. We are compelled to say so as we find that the intention of the State Government from paragraph 5 of the circular/memorandum has been litigated at various stages to deny the benefits to the respondents. It is the duty of the State Government to avoid unwarranted litigations and not to encourage any litigation for the sake of litigation. The respondents were entitled to get the benefit of pension and the High Court has placed reliance on the decision of another High Court which has already been approved by this Court....”*