

ITEM NO.17

Court 9 (Video Conferencing)

SECTION XI-A

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). 15192/2020

(Arising out of impugned final judgment and order dated 01-07-2020 in MACA No. 328/2015 passed by the High Court Of Kerala At Ernakulam)

SHYNO M. AYKARA @ SHEELAMMA THOMAS & ORS.

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE COMPANY LTD. & ORS.

Respondent(s)

(FOR ADMISSION and IA No.130705/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. M. F. Philip, Adv.
Mr. Joseph Saleem M., Adv.
Ms. Purnima Krishna, AOR

For Respondent(s)

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

Application for permission to file additional documents/facts/annexures is allowed.

We have heard learned counsel for parties.

We are of the view that the only aspect which may need examination is the plea advanced on behalf of the petitioner that where the Government is an employee of the public sector and pay revisions are applied retrospectively (it is submitted that the process of revision takes time in Government and public authorities) whether that pay revision applied retrospectively

after the date of demise should be a factor taken into account while computing the monthly emoluments of the deceased. In this behalf, the impugned order has referred to the judgment of this Court in *Oriental Insurance Co. Ltd. v. Jashuden and Ors.* - (2008) 4 SCC 162 which holds that the latter revision would not be a factor to determine the amount of compensation. However, learned counsel for the petitioner has referred to a subsequent judgment in *Rajesh & Ors. v. Rajbir Singh & Ors.* - (2013) 9 SCC 54 at 64, para 19 to contend that the subsequent pay revision was taken into account and this is a three Judges Bench Corum. A reading of para 19, however, only shows the computation and does not specifically deal with the proposition. We are thus, of the view that this aspect would required to be considered by a three Judges Bench.

Issue notice.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR