

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. 639 OF 2017

UNION OF INDIA AND ORS.

APPELLANTS

VERSUS

JAGDISH KUMAR MADHAJI AND ORS.

RESPONDENTS

ORDER

1. Union of India and two officers of the Western Railway are in appeal, by special leave granted on 10th January, 2017, challenging the judgment and order dated 20th March, 2013 of a Division Bench of the High Court of Gujarat at Ahmedabad, whereby the Special Civil Application¹ instituted by the first respondent was allowed with the following directions:

“11. In the result, the petition succeeds. Judgment and order of the Hon’ble Central Administrative Tribunal is quashed and set aside. The petitioners be given all consequential benefits as if the impugned order is not passed. Taking into consideration the fact that the petitioners are from lower strata of society and must be passing through very harsh days, it is expected that the Railway Administration will reinstate them as early as possible, but not later than six weeks from today. The petition is allowed in the aforesaid terms. Rule is made absolute. No order as to cost.”

2. It is significant to note that the Special Civil Application was directed against an order dated 7th October, 2004 passed by the Central Administrative

¹ No.14645 of 2004

Tribunal, Ahmedabad Bench, Ahmedabad² dismissing the original application³ of the first respondent under Section 19 of the Administrative Tribunals Act, 1985.

3. Incidentally, the said judgment dated 7th October, 2004 also dismissed original applications⁴ of the second to sixth respondents. However, the said respondents had not independently challenged the dismissal of their original applications before the High Court; instead, they have applied for impleadment in the writ petition of the first respondent which was allowed and they were treated as co-petitioners.

4. We have heard learned counsel appearing for the appellants as well as the respondents.

5. It is not in dispute that pursuant to the impugned order dated 20th March, 2013, the respondents were re-instated in service whereafter this Court, while issuing notice on the special leave petition, granted interim stay of the operation of the impugned judgment and order by its order dated 13th September, 2013.

6. A subsequent order dated 11th November, 2013 recorded the fact of reinstatement of the respondents in service but restrained payment of back wages until further orders.

7. The controversy arose because of dismissal of the respondents following disciplinary proceedings. Though the Tribunal held against the respondents, the High Court found the proceedings to be utterly flawed and, thus, allowed the writ petition.

8. Since all the respondents, upon reinstatement, were allowed to discharge services till their respective dates of retirement on superannuation and also

² Tribunal

³ O.A. No. 38/2003

⁴ O.A. Nos. 39-43/2003

having regard to the fact that a couple of them have since passed away, we are of the considered opinion that interest of justice would be sufficiently served if the respondents are denied back wages from the period 2002 [year of dismissal from service] to 2013 (year of re-instatement in service); however, all such respondents shall be entitled to retiral benefits in accordance with law. Ordered accordingly.

9. The appeal stands disposed of on the above terms.
10. Pending interlocutory application(s), if any, shall also stand disposed of.
11. No costs.
12. We make it clear that this order and the impugned judgment and order shall not be read as precedent while deciding future cases.

.....J.
[DIPANKAR DATTA]

.....J.
[SHEEL NAGU]

**New Delhi;
August 18, 2026.**

ITEM NO.104

COURT NO.7

SECTION III-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 639/2017

UNION OF INDIA AND ORS.

Appellants

VERSUS

JAGDISH KUMAR MADHAJI AND ORS.

Respondents

**IA No. 236501/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
 ANNEXURES**

Date : 18-08-2026 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
 HON'BLE MR. JUSTICE SHEEL NAGU**

**For Appellant(s) : Mr. K.M.Nataraj, A.S.G.
 Ms. Shradha Deshmukh, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Rohit Khare, Adv.
 Mr. S.K.Gupta, Adv.
 Mr. Amrish Kumar, AOR**

**For Respondent(s) :Mr. Ashutosh Ghade, AOR
 Ms. Saloni Meshram, Adv.
 Ms. Sneha D. Balapure, Adv.**

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

The civil appeal stands disposed of in terms of the signed order placed on the file.

**(JATINDER KAUR)
 P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)
 COURT MASTER (NSH)**