

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

**CIVIL APPEAL NO(S). OF 2026
[@ SLP (C) NO. 7112-7113 OF 2025]**

DIPAK KUMAR DUTTA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. These appeals by way of special leave arise out of the common judgment and order dated 23.12.2024 passed by the Division Bench of the High Court at Calcutta passed in MAT No. 204 of 2024 and MAT No. 2278 of 2023, setting aside the order passed by the learned Single Judge and thereby approved the penalty of compulsory retirement.

3. Facts necessary for the disposal of the appeals are that the appellant, at the relevant time was working as an Administrative-cum-Finance Officer in Maulana Abul Kalam Azad Institute of Asian Studies (MAKAIAS). On the basis of a complaint of sexual harassment by one Ms. Priyanka Basu, Personal Secretary of the respondent no.3, who was also the Director of MAKAIAS at the relevant time, against the appellant, respondent no.3 issued an Office Order dated 06.11.2015 placing the appellant under

suspension. Later on, a charge-sheet was issued to the appellant on the grounds of insubordination and lack of integrity. The appellant filed a writ petition challenging the suspension but the writ petition came to be dismissed.

4. Subsequently, respondent no.3, being the Director of MAKAIAS, passed orders compulsorily retiring the appellant from service. The appellant challenged the said decision of respondent no.3 by filing a writ petition and also contended that the said respondent was biased against the appellant. Learned Single Judge of the High Court allowed the writ petition. In his order, the learned Single Judge made certain adverse observations against respondent no.3. Challenging the order passed by the learned Single Judge, the Institute, MAKAIAS filed an appeal, which came to be allowed by the Division Bench through the order impugned before us. The present appeals by the appellant are against the judgment and order passed by the Division Bench of the High Court.

5. We need not dwell deep into the facts of the case to examine the legality and validity of the decision of the High Court for the reason that during pendency of the Special Leave Petitions, at the suggestions of the Court, Mr. Swarnendu Chatterjee, learned counsel for the MAKAIAS has taken instructions for enabling an amicable settlement between the parties. In view of the fact that the appellant has served the institution from 02.04.2009 to 06.11.2015, MAKAIAS has agreed to extend an offer

of golden handshake. This decision is reflected in the Office Memorandum dated 22.05.2026 which is extracted hereinbelow for ready reference:

"OFFICE MEMORANDUM

Dated: 22.05.2026

RE: COMPLIANCE OF THE ORDER OF HON'BLE SUPREME COURT DATED 27.04.2026 IN SLP (CIVIL) No. 7112-7113/2026 IN THE MATTER OF DIPAK KUMAR DUTTA VERSUS UOI AND ORS

Whereas upon discussion with the Hon'ble Chairman, the Director of the Institute with the lawyers representing before the Hon'ble Supreme Court: Mr. Swarnendu Chatterjee. Mr. Amitabha Sen and Mr. Amit Kumar Roy, the Competent Authority has duly considered the matter of Mr. Dipak Kumar Dutta and considered the proposition/proposal of converting the penalty of compulsory retirement to that of a payment till he has served the institute which can be stated as golden handshake.

The Competent Authority on discussion with the Counsels mentioned above. is pleased to inform you that the penalty of compulsory retirement has been converted to that of golden handshake with effect from 09.05.2017.

The period of suspension from 2015 till 2017 has been regularized and due increment under the 7th Pay Commission has been given. As you have taken the due leave encashment and Gratuity as per our records, no leave encashment and Gratuity are due and payable.

The rest total amount payable to you is INR 10,14,141.00/- (Rupees ten lakh fourteen thousand one hundred forty-one only) [Copy of the calculation sheets (Annexure A. Annexure B and Annexure C) are attached].

Whereas the aforesaid amount shall be released at the earliest to your bank account.

Whereas with respect to the pension scheme, the records reveal that you have chosen the wrong pension scheme therefore rectification has to be done and cooperation is needed from both ends. The necessary documentation once completed, the necessary pension amounts shall be released at the earliest.

sd/-
Dr. Sarup Prasad Ghosh
Director"

6. Having considered the Office Memorandum and having heard the learned counsel for the appellant and the respondents, we are of the opinion that the interest of justice will be subserved if we direct the respondent, MAKAIAS to pay an additional amount of Rs. 10,00,000/-, over and above what has been offered in the Office Memorandum dated 22.05.2026. In view of the above, we dispose of the present civil appeals in terms of the consensus arrived at between the parties, as reflected in the Office Memorandum, coupled with a direction to pay a further amount of Rs. 10,00,000/-. In all, the appellant has agreed to receive the amount of Rs. 20,14,141/- (Rupees Twenty Lakhs Fourteen Thousand One Hundred and Forty One) as full and final settlement without any further claims.

7. The said amount shall be paid by the respondents within a period of eight weeks from today. The appellant will be entitled to withdraw the provident fund that has accrued in his favour. The amount shall be paid to the appellant within a period of four weeks from today. The appellant also agreed to visit the office

of MAKAIAS for making necessary corrections for payment of pensionary benefits.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
JULY 31, 2026

ITEM NO.45

COURT NO.5

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 7112-7113/2025

[Arising out of impugned final judgment and order dated 23-12-2024 in MAT No. 204/2024 23-12-2024 in MAT No. 2278/2023 passed by the High Court at Calcutta]

DIPAK KUMAR DUTTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 205329/2025 - APPLICATION FOR PERMISSION
IA No. 209985/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 31-07-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. Suraj Mishra, Adv.
Mr. Shivam Singhania, Adv.
Mr. Monu Kumar, Adv.
Mr. Kartik Dey, Adv.
Mr. Ayush Anand, AOR

For Respondent(s) :Mr. Swarnendu Chatterjee, AOR
Mr. Santanu Sinha, Adv.
Mr. Amit Kumar Roy, Adv.
Mr. Amitabha Sen, Adv.
Ms. Deepakshi Garg, Adv.

Mr. Nishant Kumar , AOR

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

1. Leave granted.
2. The Civil Appeals are disposed of in terms of the Signed

Order .

3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)

COURT MASTER (SH)

(NIDHI WASON)

ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)