

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

CIVIL APPEAL No.372/2016

**THE CHAIRMAN AND MANAGING DIRECTOR PAWAN
HANS HELICOPTER LTD.**

APPELLANT

VERSUS

COL. MUKUL KUMAR GOGOI (RETD.)

RESPONDENT

O R D E R

1. The appeal is directed against the judgment and order dated 11th September, 2015 passed by a Division Bench of the Gauhati High Court (the High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh) dismissing an intra court appeal¹ of the appellants and thereby refusing to interfere with the judgment and order dated 03rd May, 2013 of the Single Judge passed on a writ petition² of the respondent.

2. We heard Mr. Puneet Taneja, learned senior counsel

¹ WA No.58/2014

² WP(C) No. 191/2013

for the appellants and Mr. Manish Goswami, learned senior counsel for the respondent on previous occasions. We have heard them today too.

3. The order dated 29th July, 2026 passed by us records our *prima facie* satisfaction that the appellants do not have a sound case. We reiterate such finding on the ground that the appellants had terminated the respondent's service on probation in a manner which is in the teeth of the decision of this Court in ***Dipti Prakash Banerjee Vs. Satvendra Nath Bose National Centre for Basic Sciences, Calcutta***³. The impugned judgment and order is upheld.

4. Since, however, the respondent was appointed on probation for a period of a year, effective from 01st February, 2011 to 31st January, 2012 and such service came to be terminated on 06th June, 2011, we hold that he would be entitled to the emoluments which he would have received had he completed the period of probationary service during the aforesaid period.

5. The last pay certificate of the respondent for May, 2011 has been placed before us. We, therefore, direct that based on the emoluments so received by the respondent in May, 2011, he shall be entitled to further emoluments at the

³ (1999) 3 SCC 60

same rate for the period 06th June, 2011 to 31st January, 2012 on the basis thereof.

6. A calculation sheet is also placed before us by Mr. Taneja. It appears therefrom that the respondent would be entitled to Rs.11,86,586/- (Rupees eleven lakh eighty six thousand five hundred eighty six) only minus Rs.96,858/- (Rupees ninety six thousand eight hundred fifty eight) only (amount paid on 26th March, 2014 in compliance with an order dated 28th February, 2014 of the Division Bench), which is equal to Rs.10,89,728/- (Rupees ten lakh eighty nine thousand seven hundred twenty eight) only.

7. Let such amount of Rs.10,89,728/- with interest @ 6% be paid to the respondent from the date of presentation of the writ petition before the High Court, as early as possible but not later than three months from date of receipt of a copy of this order.

8. In the event the respondent has any dispute with regard to the quantum of money payable to him, as aforesaid, he shall be free to approach the appropriate court for relief, in accordance with law.

9. Prayer of Mr. Goswami that this Court ought to consider the action of the appellants in refusing to grant a certificate, which would have enabled the respondent to

apply for future employment, for additional compensation is considered and refused.

10. We further record the fair submission of Mr. Taneja that whatever dues on account of Provident Fund for the period from 01st February, 2011 to 31st May, 2011 are payable to the respondent shall also be released within the aforesaid period.

11. The appeal stands disposed of on the aforesaid terms.

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

.....J
(DIPANKAR DATTA)

.....J
(SHEEL NAGU)

**NEW DELHI;
AUGUST 19, 2026.**

ITEM NO.101

COURT NO.7

SECTION XIV-A

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. 372/2016

**THE CHAIRMAN AND MANAGING DIRECTOR PAWAN
HANS HELICOPTER LTD.**

Appellant

VERSUS

COL. MUKUL KUMAR GOGOI (RETD.)

Respondent

**[PART-HEARD BY : HON'BLE DIPANKAR DATTA AND HON'BLE SHEEL NAGU,
JJ.]**

Date : 19-08-2026 This appeal was called on for hearing today.

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

**For Appellant(s) : Mr. Puneet Taneja, Sr. Adv.
Ms. Laxmi Kumari, AOR**

**For Respondent(s) : Mr. Manish Goswami, Sr. Adv.
Mr. Gaurav Shukla, Adv.
Mr. Brahmjeet Singh, Adv.
Mr. Rameshwar Prasad Goyal, AOR**

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

1. The appeal stands disposed of in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)