

Supreme Court of India

Prahlad Rai Khemka vs Tara Kumar Sinha, Managing ... on 29 November, 1988

Equivalent citations: AIR 1989 SC 567, 1989 (1) BLJR 1, 1989 (58) FLR 77, JT 1988 (4) SC 554, 1989 LabLC 1013, 1988 (2) SCALE 1476, (1989) 1 SCC 255, 1988 (2) WLN 380

Bench: M Venkatachaliah, R Misra

ORDER

1. The first one is an application for contempt proceedings being taken against the respondent-Bank and the second petition is by the Bank for clarification of the judgment of this Court dated February 9, 1988.

2. Petitioner was an officer of the Bank. He approached the Rajasthan High Court for appropriate fitment in the Bank following the scheme of rationalisation with effect from October 1, 1979 and the High Court gave direction to the Bank by allowing his writ application. The Bank had challenged the order of the High Court in appeal to this Court. By judgment dated February 9, 1988, the appeal was dismissed. As the Bank has not implemented the decision of the Rajasthan High Court as upheld here, the petition for contempt has been filed.

3. The Bank has asked for variation of the order dismissing the appeal on the basis of the judgment delivered by this Court in a connected matter wherein the entire legal position has been examined at length. We do not think in the facts of the present case we should vacate the judgment in the Civil Appeal and alter the judgment of the High Court. Confined to its own facts the judgment of the High Court has now to be implemented. As counsel for the Bank has agreed that given some time the order of the High Court would be implemented, we do not propose to take any action on the contempt application. The same is dismissed.

4. The Bank is directed to implement the judgment of the High Court within six weeks from now. The petition filed by the Bank for variation of the judgment is also dismissed. There shall be no order as to costs in either of the matters.