

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

CONMT.PET.(C)No. 216/2010 IN CIVIL APPEAL NO(s). 4483 OF 2003

MADHYA BIHAR GRAMIN BANK & ORS. Appellant (s)

VERSUS

MADHYA BIHAR GRAMIN BANK OFFIC.ASSN.&ORS Respondent(s)

Date: 08/11/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Y. K. S. Chauhan, Adv.
Ms. Kumud Lata Das, Adv.
M/S K.L. Mehta & Co.,Adv.

For Respondent(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Rajesh Kumar, Adv.
Mr. Sriram Krishna, Adv.
Mr. Sarv Mittar, Adv for
M/s Mittar & Mittar Co.

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

The contempt petition is disposed of in terms of the signed order.

(Deepak Joshi)
Sr. P.A.

(Indu Satija)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CONMT. PET.(C)No.216/2010 IN CIVIL APPEAL NO(s) 4483 OF 2003

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VERSUS

MADHYA BIHAR GRAMIN BANK OFFIC.ASSN.&ORS Respondent(s)

O R D E R

This is a petition for contempt filed by the applicant/respondent Madhya Bihar Gramin Bank & Ors. Officers organisation alleging non-compliance of the judgment and order dated 17.02.2010 in CA no. 4483 of 2003 which was partly allowed to the extent indicated in the order.

In the aforesaid judgment and order a categorical statement had been made by learned senior counsel appearing for the respondents at para 7 that they would agree to the disposal of the appeals pending before the Supreme Court subject to the condition that the payment already made to the employees shall not be recovered from them for the period prior to 16.12.2002.

It has been alleged in the Contempt Petition that inspite of this categorical statement made by the respondent, a circular dated 05.05.2010 annexed herewith and marked as annexure P-2 to this Contempt Petition as also a letter dated 10.05.2010 marked as annexure P-3 to this Contempt Petition, were issued wherein it has been stated, as follows:-

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"It is to inform the in the light of the judgment of Hon'ble Supreme Court dated 17.02.2010 the officers in Scale II and Scale III the facility of Switch over and Computer Increment Allowance from 16.12.2002 the direction of the High Court not to recover Switch over and Computer Increment amount from 16.12.2002 has been set aside by the judgment of the Supreme Court"

It has been alleged in the contempt petition that contrary to the undertaking given by the counsel for the respondent/contemnors that no recovery would be made towards

switch over increment amount for the period earlier to
16.12.2002, the aforesaid circular as also the letter
referred to herein before has been issued, which clearly
amounts to contempt of the order passed by this Court.

However, learned counsel for the respondent
submitted that the order relied upon by the counsel for the
petitioners for initiating contempt proceeding has not been
annexed with the correct and accurate translation of the
order which has been passed and it has nowhere been stated
in the order, if translated with accuracy, that the recovery
of the amount would be made from the petitioners which they
had received as switch over increment for the period prior
to 16.12.2002.

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In view of this categorical statement made by the
counsel for the respondent/contemnors we see no reason to
entertain this Contempt Petition but by way of abundant
caution we deem it proper to reiterate that in view of the
explanation and submission of the counsel for the
respondent/contemnors, the recovery of the amount from the
petitioners which they have received towards the switch over
increment amount for the period prior to 16.12.2002, shall
not be recovered from them.

The contempt petition is accordingly disposed of.

.....J.
[MARKANDEY KATJU]

.....J.
[GYAN SUDHA MISRA]

08 NOVEMBER, 2010