

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NO.255 OF 2008 IN CIVIL APPEAL No.782/2006

M.L.SINGH & ANR.

...Petitioner(s)

VERSUS

ATUL GUPTA CHIEF SECTT.U.P. & ORS.

...Respondent(s)

WITH

CONMT.PET.(C) NO. 256 of 2008 In Civil Appeal 4374/2007

CONMT.PET.(C) NO. 69 of 2009 In Civil Appeal 2974/2007

CONMT.PET.(C) NO. 15 of 2009 In Civil Appeal 782/2006

CONMT.PET.(C) NO. 123 of 2010 In Civil Appeal 2994/2007

O R D E R

In these petitions filed under Sections 2 and 12 of the Contempt of Courts Act read with Article 129 of the Constitution of India, the petitioners have prayed that the non petitioners be punished for willful violation of order dated January 31, 2008 passed in Civil Appeal No.782 of 2006 - State of Uttar Pradesh and another v. Mukund Lal Singh and connected matters.

At the hearing, learned counsel for the non petitioners invited our attention to order dated 27.8.2010 passed by the State Government and submitted that the notice of contempt may be discharged.

We have heard learned counsel for the parties and perused the

2

record.

The order passed by the State Government for complying with the directions given by the High Court and this Court reads as under:

"Hon'ble Governor has been pleased to accord its sanction to extend following facilities/benefits to the petitioners of Contempt Petition No.255/2008- Mukund Lal Singh versus Atul Kumar Gupta, Secretary, Government of Uttar Pradesh; Contempt Petition No.256/2008 - Shailendra Kumar Pandey and others versus Kunwar Fateh Bahadur Singh and others; and

Contempt Petition No.15/2009 (Civil Appeal No.782/2006)-Mohd. Shakiluddin and others versus Shri Atul Kumar Gupta and others and other connected Civil Appeals pending before the Hon'ble Supreme Court as well as those petitioners who are covered by the Judgment and order of the Hon'ble Supreme Court dated 31.1.2008 and in furtherance to government order no.3504/77-1-2009/13(Cement)/2004 dated 3.12.2009.

1] All the petitioners of the aforesaid Contempt Petitions and all others who are covered by the Judgment of the Hon'ble Supreme Court dated 31.1.2008, will be deemed to have been absorbed in the government service with effect from the date of their retrenchment by the Uttar Pradesh State Cement Corporation Limited.

2] If it is not possible to absorb Petitioners of the aforesaid Contempt Petitions and all others who are covered by the Judgment of the Hon'ble Supreme Court dated 31.1.2008, on the posts on which they were working in the Uttar Pradesh Cement Corporation Limited on the date of their retrenchment, then they be protected in the pay scale for the post on which they are being absorbed, in such a manner that their salaries are closest to the salaries which they were withdrawn on the date of their retrenchments from the Corporation. It was further decided in the meeting that if the last salary drawn by them was higher than the salary being given to them after their absorption in the government service, then such a difference be considered as personal pay and such personal pay be given to them from the date of

3

their retrenchment. But before doing so, an undertaking must be obtained from the concerned personnel that he has not already received any other benefits, salary, retrenchment compensation etc. from the Official Liquidator, for the period after their retrenchment from parent department. If any personnel has already availed any benefit from the official liquidator for the period after his retrenchment, then same will be adjusted from the arrears of the said personnel. Affidavit of undertaking given by the personnel should also be got verified from the official liquidator.

3] Besides above, these personnel will also be entitled to added increment and arrears with effect from the date of their retrenchment.

4] These benefits are being extended to all the Petitioners of the aforesaid Contempt Petitions and all others who are covered by the Judgment of the Hon'ble Supreme Court dated 31.1.2008, in accordance with the directions given by the Hon'ble Supreme Court. However, these benefits would not have been available to them in normal course. It is also pertinent to mention here that no other personnel will be entitled to such benefits in future.

5] Services rendered by these personnel in UP Cement Corporation Ltd., i.e., before their absorption in government service, will not be considered for the purposes of their pensionary benefits."

In our view, the concerned authorities of the State Government have substantially complied with the direction given by the High Court and the order passed by this Court and there is no valid reason to continue the proceedings of these petitions.

With the above observation, the contempt petitions are disposed of and the notices issued by this Court are discharged with the direction that the concerned authorities shall pay arrears to the petitioners within one month from today.

4

If the petitioners are not satisfied with the fixation of their pay etc., they may make representation(s) to the competent authority. Such representation shall be disposed of by the concerned authority within next two months by passing speaking order. If the petitioners are not satisfied with the order passed on their representation(s), then they shall be free to avail appropriate legal remedy.

In view of the disposal of the contempt petitions, applications for impleadment are also disposed of.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
NOVEMBER 15, 2010.

5

ITEM NO.50

COURT NO.11

SECTION XI

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

CONTEMPT PETITION (C) NO. 255 OF 2008 In Civil Appeal 782/2006

M.L.SINGH & ANR.

Petitioner(s)

VERSUS

ATUL GUPTA CHIEF SECTT.U.P. & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and extension of time and impleadment as petitioner and office report)

WITH

CONMT.PET.(C) NO. 256 of 2008 In Civil Appeal 4374/2007
(With appln.(s) for exemption from filing O.T. and c/delay in
filing appln. for impleadment as petitioner)

CONMT.PET.(C) NO. 69 of 2009 In Civil Appeal 2974/2007
(With appln(s) for exemption from filing c/c of the impugned
order)

CONMT.PET.(C) NO. 15 of 2009 In Civil Appeal 782/2006 (For
Prel.Hearing)
(With appln.(s) for exemption from filing O.T. and office report)

CONMT.PET.(C) NO. 123 of 2010 In Civil Appeal 2994/2007

Date: 15/11/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.Shailendra Kumar Pandey & Mr.M.L.Singh,
Petitioners-in-Person

Mr.Anukam Tripathi, petitioner-in-person

Dr.J.N.Dubey, Sr.Adv.
Mr. S.R.Setia, Adv.

Mr.K.C.Vishwakarma, Adv.
Mr. Mohan Pandey, Adv.

For Respondent(s) Mr.Pallav Sishodia, Sr.Adv.
Ms. Alka Singh,Adv.
Mr. Anuvrat Sharma,Adv.

6

Mr. Shrish Kumar Misra,Adv.
Mr.Ajay Kr.Singh, Adv.

Mr. Prashant Chaudhary,Adv.
Mr.Ravender Verma, Adv.
Mr.Akshay Verma, Adv.
Mr. Praveen Swarup, Adv.

Mr.Vivek Singh, Adv.
Mr.S.K.Misra, Adv.

Dr.Vinod Tiwari, Adv.
Mr.Pankaj Kumar Singh, Adv.
Mr.B.N.Pathak, Adv.

Mr. Manoj Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

The contempt petitions are disposed of and the notices issued
by this Court are discharged with the direction that the concerned
authorities shall pay arrears to the petitioners within one month
from today.

If the petitioners are not satisfied with the fixation of
their pay etc., they may make representation(s) to the competent
authority. Such representation shall be disposed of by the
concerned authority within next two months by passing speaking
order. If the petitioners are not satisfied with the order passed
on their representation(s), then they shall be free to avail
appropriate legal remedy.

In view of the disposal of the contempt petitions,
applications for impleadment are also disposed of.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)