

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4543/2008

(From the judgement and order dated 30/08/2007 in MCAD No. 1469/2007 & SCA No. 2900/2004 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

K.K. CHATURVEDI

Petitioner(s)

VERSUS

D.S. MATHUR & ORS.

Respondent(s)

(With prayer for interim relief and office report )  
(for final disposal)

Date: 13/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Amlan Kumar Ghosh, Adv.

For Respondent(s) Ms. Indra Jaising, ASG.  
Mrs. Kiran Bhardwaj, Adv.  
Mr. A.K. Sharma, Adv.  
Mrs Anil Katiyar, Adv.

Mr. Gaurav M. Liberhan, Adv.  
Mr. Jayant Kumar Mehta ,Adv

UPON hearing counsel the Court made the following  
ORDER

Leave granted. Heard the counsel.  
The appeal is allowed in terms of the signed order.

(Pawan Kumar)

(M.S. Negi)

Court Master Court Master  
(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5404 OF 2009  
(arising out of SLP(C)No.4543 of 2008)

K.K. CHATURVEDI

... APPELLANT

VERSUS

D.S. MATHUR & ORS.

... RESPONDENTS

ORDER

Leave granted. Heard the counsel.

2. The appellant was working as an Engineer in Bharat Sanchar Nigam Limited (for short BSNL). On the recommendation of Pay Commission, BSNL extended the benefit of upgraded pay scale to its Engineers. The appellant was denied this benefit. Alleging discrimination, the appellant approached the Central Administrative Tribunal, Ahmedabad. The Tribunal granted the benefit to the appellant but only for the purpose of pension. The order of the Tribunal was challenged before the High Court. The High Court by order dated 29.03.2006 dismissed the appeal filed by the employer-BSNL. Against that order, BSNL filed Special Leave Petition before this Court, which was also dismissed on 03.11.2006 granting three months time to implement the order that is by 02.02.2007.

3. The appellant filed a contempt petition on 7.5.2007, complaining non-implementation. The High Court dismissed the contempt petition filed by the appellant by the impugned :2:

order dated 30.08.2007 on the ground that one year had expired and the petition was barred by time under Section 20 of the Contempt of Courts Act 1971. The said order is challenged in this appeal by special leave.

4. The High Court has calculated the limitation from the date of its order. Though the High Court dismissed the appeal on 29.03.2006, that order was challenged by filing a SLP and that was disposed of only on 3.11.2006 by granting three months time to implement the order. Therefore the limitation should be reckoned only from the expiry of three months from 3.11.2006, that is from 02.02.2007 and not from 29.03.2006. We are therefore of the view that the rejection of the contempt petition on the ground of limitation was not correct.

5. We accordingly allow the appeal, set aside the order of the High Court and remand the matter to the High Court to consider and dispose of the contempt petition in accordance with law.

.....J.  
( R.V. RAVEENDRAN )

( R.M. LODHA )

.....J.

NEW DELHI,  
AUGUST 13, 2009.