

CASE NO.:
Appeal (civil) 874 of 2008

PETITIONER:
Bharat Sanchar Nigam Ltd. & Anr

RESPONDENT:
Ghanshyam Singh Arya & Ors

DATE OF JUDGMENT: 31/01/2008

BENCH:
S.B. SINHA & V.S.SIRPURKAR

JUDGMENT:
JUDGMENT

ORDER
CIVIL APPEAL NO. 874 /2008
(@SLP(C) No. 26025/2005)

Delay condoned.

Leave granted.

This appeal is directed against the judgment and order dated 7.12.2004 whereby and whereunder the Division Bench of the Allahabad High Court allowed the writ petition filed by the respondents herein directing:

" This writ petition is against the order dated 31.1.2000 passed by the Central Administrative Tribunal. One another writ petition No. 10135 of 2000 was also filed against the same order and this has been allowed for the reasons mentioned in that judgment. The present writ petition is also allowed. The petitioners here will also entitled to the same relief as has been given in W.P. No. 10135/2000.

With these observation, the writ petition stands allowed."

In view of the order proposed to be passed by us, it is not necessary to enter into the merit of the matter.

Suffice, it to say that a large number of employees of the appellant - Bharat Sanchar Nigam Ltd. filed Original Applications before the Central Administrative Tribunal. The Central Administrative Tribunal dismissed the said Original Applications.

Shiv Singh and others filed writ petition before the High Court which was marked as Writ Petition No. 10135/2000(A). By reason of a judgment and order dated 13.3.2003, the said writ petition was allowed directing the appellant to promote them as JTO with effect from which the 17 similarly situated persons had been promoted; with consequential benefits.

It is not in dispute that questioning the correctness of the said order, the Union of India filed a Special leave petition before this Court which was marked as

SLP(C) No..CC..9219/2003 wherein this Court on 24.11.2003 passed the following order:

" Delay condoned.

Heard and also perused the record which has been brought by the learned Addl. Solicitor General in pursuance of our earlier order. While declining to interfere with the judgment of the High Court, we observe that the order shall remain confined to the writ petitioners(respondents herein) who had appeared in the test held in 1993.

The special leave petition stands finally disposed of with the observations made above."

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However, from a perusal of the impugned judgment of the High Court dated 7.12.2004 it does not appear that the High Court had taken note of the effect and purport of this Court's order dated 24.11.2003. We, therefore, are of the opinion that the writ petition filed by the respondents herein should be considered and disposed of afresh on merit.

We may, however, notice that an application for review has already been filed. We may furthermore place on record that the respondents have filed an application for contempt of Court for disobedience of the High Court's order and by reason of a order dated 12.12.2005 a Bench of this Court had stayed the contempt proceedings before the High Court.

In this view of the matter, we are of the opinion that the interim relief sought for by the respondents in the writ petition may also be considered afresh by the High Court. In the meantime, the contempt proceedings may not be pursued. We, furthermore, direct till an appropriate order on the said interim relief is passed by the High Court, Status-quo may be maintained.

With the aforementioned directions, the impugned judgment is set aside and the matter is remitted to the High Court. The appeal is allowed.

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We hope and trust that the writ petition filed by the respondents shall be disposed of as expeditiously as possible.