

SUPREME COURT OF INDIA

State Bank of Bikaner and Jaipur

Vs.

Prahalad Rai Khemka

C.A.Nos.3869-75 of 1984

(Ranganath Misra, M. N. Venkatachaliah and S. Ranganathan, JJ.)

29.11.1988

ORDER

1. These are appeals by the State Bank of Bikaner and Jaipur, a subsidiary of the State Bank of India. The point involved in these appeals is the same as in Civil Appeal No. 566 of 1983 which we have disposed of today (reported in AIR 1989 SC 566). For the reasons indicated therein, these appeals have no merit and are dismissed with costs. Consolidated hearing fee is assessed at Rs. 5,000/-.

2. ORDER (D/- 29-11-1988):- 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.

3. 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.

4. 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.

5. 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.

Order accordingly.

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