

SUPREME COURT OF INDIA

Madras Telephone S/C & S/T Social Welfare Assn.

Vs.

Anil Kumar

(M.Jagannadha Rao and A.P.Misra JJ.)

16.11.1999

ORDER

1. Application for interventions are allowed.
2. Contempt Petition (C) No. 121 of 1999 is filed contending that the directions given in Union of India v. Madras Telephones SC & ST Social Welfare Assn. (1997)10SCC226 dated 13.2.1997 have not been implemented by the Government of India.
3. It is, however, the contention of another group of officer that abovesaid judgment whose implementation is being sought in the contempt case was rendered by a two-judge bench of this Court without noticing the four other judgments of the Court, which accepted the judgment of the Allahabad High Court dated 20.2.1985 and which took a view contrary to the judgment of the Court dated 13.2.1997. These are Union of India v. P.N. Lal dated 8.4.1996 rendered by a two-Judge Bench accepting as correct "on merits" a judgment of the Allahabad High Court in P.N. Lal v. Union of India in WPs (C) Nos. 2739 of 1992 and 3652 of 1981 dated 20.2.1985; judgment in Union of India v. Daljit Kumar [IA No.1 in SLPs (C) Nos. 19716-22 of 1991], dated 6.1.1992 rendered by a Bench consisting of two Hon'ble Judges in an appeal against a judgment of the Central Administrative Tribunal, Delhi, which followed the judgment of the Allahabad High Court; (3) judgment dated 18.9.1992, in Junior Telecom Officers Forum v. Union of India: (1993)IILLJ856SC and (4) judgment dated 13.5.1994 in Telecommunication Engg. Service Assn. (India) v. Union of India: (1995)IILLJ585SC . In all these four judgments dated 8.4.1996, 6.1.1992, 18-9-1992 and 13.5.1994 mentioned above, four different Benches consisting of two learned Judges each, accepted the view of the Allahabad High Court above-mentioned. Thus there are two contradictory views of this Court.
4. We have before us, apart from the contempt case, applications filed in Civil Appeal No. 4339 of 1995 by interveners praying for recalling the order of this Court dated 13.2.1997. They contend that they were not parties to the said civil appeal and that the aforesaid four earlier judgments were not brought to the notice of the Court which decided Civil Appeal No. 4339 of 1995 on 13.2.1997.
5. Reference has been made for the Union of India also to two other orders of this Court in SLP (C) No...CCs Nos. 5391-92 of 1996 (H.P. Wagle v. G.S. Ramprasad) dated 23.10.1996 and in SLP (C) No...CC No. 879 of 1999 dated 22.2.1999.
6. In view of these conflicting judgments, we are of the view that it would be necessary that the matters are placed before a Bench of three Hon'ble Judges.

7. The papers may, therefore, be placed before Hon'ble, the Chief Justice of India for appropriate orders.