

State of Rajasthan and ors. Vs. Mohan Singh

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Court : Supreme Court of India

Decided On : Jul-25-1994

Reported in : 1995Supp(2)SCC153

Judge : A.M. Ahmadi and; S.P. Bharucha, JJ.

Acts : Constitution Of India - Article 129

Appeal No. : Contempt Petition No. 158 of 1990 in Civil Appeal No. 3539 of 1989

Appellant : State of Rajasthan and ors.

Respondent : Mohan Singh

Judgement :

A.M. Ahmadi and; S.P. Bharucha, JJ.

1. The High Court order became final after this Court disposed of the appeal by a speaking order on 14-8-1989. Thereafter, because the State Government went on seeking time for complying with the order, this Court while dealing with the Contempt Petition No. 158 of 1990 passed a further order on 29-10-1991 that since the State Government requires time to work out the particulars for complying with the High Court's order it is desirable that in the meantime the employees identified in the order earlier who have been in employment for ten years or more should be paid salaries on the footing of being permanent and those who have completed two years of employment should be paid salaries on the footing of

being semi-permanent. It was also made clear that no payment need be made towards arrears of salary or allowances at this stage. It was clarified that this should not be understood to preclude an order of payment of arrears or allowances being made in the future. It was stated that the payment of salary on the aforesaid footing should be made from 1-11-1991. We are told that this order has been substantially complied with.

2. The next question is complying with the remaining part of the High Court's order which has become final after the order of this Court dated 14-8-1989. Mr Gupta, learned counsel for the State of Rajasthan, pointed out certain difficulties in the implementation of the High Court's order. The difficulties that he pointed out would require a modification of the High Court order which has become final after this Court's order which we cannot do in contempt jurisdiction. For that, an application was also made, which, we are told, is rejected. A review application was also made to the High Court but the same was rejected by the order of 10-4-1989. Similar application was made in this Court by way of an interim application but no modification in the order has been made thus far. Therefore, the order of the High Court affirmed by this Court has to be implemented in letter and spirit. We, therefore, direct the State Government to implement the said order and grant them time of two months to do so. The contempt petition will stand disposed of accordingly.

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