

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.330 of 2012

ORDER:

This contempt case was instituted alleging violation of the common order dated 10.02.2011 passed by this Court in W.P.No.15279 of 2008 along with an other writ petition. By the said common order, this Court, without expressing any opinion on merits, directed the respondents to look into the service particulars of the petitioners and the recommendations made by the Branch Manager of the bank and verify as to whether any juniors of the petitioners had been regularized and pass appropriate orders within a timeframe.

Pursuant to the said order, the bank rejected the cases of the petitioners for regularization of their services under order dated 14.05.2011.

The rejection of the cases of the petitioners under order dated 14.05.2011 was frowned upon by this Court on 09.04.2012 during the hearing of this contempt case and the respondents were directed to implement the order passed by this Court within a timeframe. Aggrieved by this direction, the bank filed LPA.No.6 of 2012 which was disposed of by a Division Bench of this Court on 27.04.2012. The Division Bench recorded the submission made by the learned counsel for the bank that the bank would withdraw the order dated 14.05.2011 and pass appropriate orders covering all aspects in terms of the order passed in the writ petition. In terms of the undertaking given to the Division Bench, the bank passed individual orders dated 06.06.2012 again rejecting the cases of the petitioners for regularization of their services.

Perusal of the orders dated 06.06.2012 reflects that the bank was of the opinion that the petitioners had exceeded the age limit as on the date of arising of the vacancy and were therefore ineligible for being regularized in service. The orders are reasoned and detailed.

As this Court did not go into the merits of the matter and left it

open to the bank to pass appropriate orders, after applying its mind upon looking into the petitioners' service particulars and the recommendations made by the Branch Manager of the bank and after verification as to whether any of the juniors had been regularized, this Court cannot examine the validity of such consideration by the bank in exercise of contempt jurisdiction. If the petitioners are aggrieved by the individual orders dated 06.06.2012 passed by the bank, their remedy would be to assail the same by way of independent proceedings in accordance with law.

Reserving liberty to the petitioners to do so, the contempt case is closed. No order as to costs.

JUSTICE SANJAY KUMAR

26th October, 2015
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