

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6284 OF 2014
(@SPECIAL LEAVE PETITION (CIVIL.) NO. 18367 OF 2012)

MRS. KANTA ... APPELLANT

VERSUS

TAGORE HEART CARE & RESEARCH
CENTRE PVT. LTD. & ANR. ...RESPONDENTS

J U D G M E N T

CHANDRAMAULI KR. PRASAD, J.

The complainant-appellant, aggrieved by the order dated May 27, 2011 passed by the National Consumer Disputes Redressal Commission (hereinafter referred to as 'the National Commission'), setting aside the Order dated July 14, 2006 of the Punjab State Consumer Disputes Redressal Commission (hereinafter referred to as 'the State Commission')

granting her compensation of Rupees five lacs, has preferred this Special Leave Petition.

Leave granted.

Bereft of unnecessary details, facts giving rise to the present appeal are that the complainant-appellant Mrs. Kanta, aged about 55 years at the relevant time, suffered acute chest pain in the last week of August, 1999. She consulted a medical practitioner at Amritsar who found her symptoms to be of heart attack. Accordingly, she was advised to obtain opinion and treatment of a cardiologist and cardio vascular surgeon. She was taken to Jalandhar by her family members where they consulted Dr. Raman Chawla (Respondent No.2 herein), attached to Tagore Heart Care and Research Centre Pvt. Ltd., hereinafter referred to as 'the Research Centre', (Respondent No.1 herein). Dr. Chawla examined the complainant clinically on September 1, 1999 and conducted Echo

test. Dr. Chawla noticed that there was possibility of blockages which needed appropriate confirmation and medical treatment and accordingly he advised for admission of the complainant in the Research Centre for conducting angiography. It was made known by the complainant that she is allergic to almost all the antibiotics except few. Dr. Chawla with the consent of the complainant's son, a medical practitioner, decided to conduct angiography on September 2, 1999.

It is the allegation of the complainant that the angiography was to be performed in the morning of September 2, 1999 but it was not done at the scheduled time but was performed in the afternoon. The complainant was not allowed to take any food the previous night. The complainant has alleged that during the angiography procedure, she felt severe pain in the abdomen and brought the said fact to the notice of Dr. Chawla but he ignored the same and continued with the procedure. After the

procedure was completed, according to the complainant, she was shifted to the recovery room. Angiogram showed LAD artery blockage to the extent of 95 per cent. It has been specifically alleged by the complainant that Dr. Chawla took consent of her son for performance of PTCA or angioplasty for removal of the blockage, yet it was given up in the midway after about 15-20 minutes on the pretext that she was allergic to many drugs. According to the complainant, she was shifted to Intensive Care Unit (ICU) and though she had severe pain throughout the night, yet nobody attended her. On September 3, 1999, according to the complainant, Dr. Chawla alongwith another consultant namely Dr. Suri examined her who found pulse of her right leg practically absent and as such he reprimanded Dr. Chawla. The complainant was discharged from the Research Centre and thereafter she came to Delhi and consulted Dr. Trehan of the Escorts Heart Institute, Delhi and was admitted in the said Institute on September 13, 1999. Another

angiography was conducted at the Escorts Heart Institute through radial artery of the right arm and on that basis, according to the complainant, Dr. Trehan opined that aorta dissection has taken place during the angiography procedure done by Dr. Chawla at Tagore Heart Care and Research Centre, Mahavir Nagar, Jalandhar, Punjab and that was iatrogenic in nature. Ultimately, she had undergone angioplasty on October 18, 1999 and was discharged after ten days.

The complainant alleged medical negligence on the part of Dr. Chawla and the Research Centre while conducting the angiography on September 2, 1999 resulting into dissection of aorta. She has alleged that she had to obtain further treatment and due to the sheer negligent act of Dr. Chawla incurred heavy expenditure in undergoing angioplasty and angiography at Escorts Heart Institute. Alleging the aforesaid, the complainant filed petition before State Commission, *inter alia*,

praying compensation of Rupees Eleven lacs from Dr. Chawla-Respondent No.2 and the Research Centre-Respondent No.1.

After issuance of notice, Dr. Chawla-Respondent No.2 and the Research Centre-Respondent No.1 entered their appearance and denied allegations made by the complainant that former was negligent while conducting the angiography on the complainant on September 2, 1999. According to them, the complainant was a patient of hypertension and had a history of ischaemia as also allergic to most of the antibiotics and as such there was risk involved in conducting the angiography on the complainant on September 2, 1999. Dr. Chawla and the Research Centre further averred that coronary angiography was done successfully and the complainant was shifted to ICU in a stable condition. According to them, after about a couple of days of stabilization, the coronary angioplasty was planned. However, on September 3, 1999 in the

morning, the complainant got acute pain in abdomen and thereafter Dr. Suri, a Cardio-thoracic Surgeon was called for examining her. He suspected aorta dissection and as such CT scan of the abdomen and thereafter MRI was done immediately and on that basis the dissection of aorta was confirmed and further treatment in consultation with Dr. Suri was planned. According to them, the complainant was stable and discharged on September 8, 1999. They have further averred that conservative management was planned for 4 to 6 weeks to ensure healing of the aorta dissection prior to conducting of contemplated angioplasty. According to them, the complainant did not turn up after the discharge. She took further treatment at the Escorts Heart Institute, Delhi and in fact developed allergy due to side effects of the drug called 'Ticlopidin' prescribed at the Escorts Heart Institute after the angioplasty procedure. According to them, they were not at all responsible for deterioration of her condition nor deficiency in their medical

service. They have also denied the allegation of negligence made against Dr. Chawla (Respondent No.2) while conducting the angiography on September 2, 1999.

The State Commission directed both the parties to file affidavits and place such other materials which were relevant for decision of the issue before it. On the basis of the materials placed on record, the State Commission came to the conclusion that aortic dissection occurred during the angiography conducted by Dr. Chawla when he forced the catheter through artery in a negligent manner. For coming to the aforesaid conclusion, the State Commission heavily relied on the assertion of the complainant that she felt severe pain in the abdomen during angiography. In this connection, it is apt to reproduce the observations made by the State Commission in this regard:

"...It is true that hypertension is one of the factors of causing aorta dissection but in the present case, the aortic dissection had taken place when respondent

no.2 was passing the catheter through iliac artery travelling through aorta blood vessel reaching inside the arteries adjoining the heart. The dissection of aorta had taken place because respondent no.2 was negligent. In fact, it is case of res ipsa loquitur i.e. the facts speak themselves and point out that it has taken place due to negligence of respondent no. 2. If he taken due care and caution, then this dissection of aorta would not have taken place because it is a very rare phenomenon. Hence, we hold that the respondent had not taken due care and caution and had acted negligently in passing the catheter through iliac artery by performing angiography and this led to severe pain in her abdomen and she even complained but unmindful with the pain of complainant, he continued with the process and completed the same. This again suggests that he was insensitive to the pain and agony of the complainant."

On appeal by Dr. Chawla and the Research Centre, the National Commission set aside the finding of the State Commission that aortic dissection had taken place during angiography done negligently by Dr. Chawla. In this regard, the National Commission has observed as follows:

"18. We are of the opinion that the State Commission committed an error while reaching a finding that the doctrine of Res ipsa loquitur is applicable to the fact situation of the present case. In

fact, we do not find any basis to support such finding, particularly, when the medical record shows that complainant - Smt. Kanta was stable when she was discharged on 8.9.1999 from the hospital and could later on travel to Delhi for the purpose of coronary surgery. We think it proper to hold that there was no negligence committed by the appellants while conducting the angiography procedure."

Undisputedly, the complainant had suffered aorta dissection. The CT scan and MRI conducted on September 3, 1999 confirmed it. However, the controversy is when did it occur? According to the complainant, it happened while angiography was being done by Dr. Chawla on September 2, 1999 whereas according to Dr. Chawla and the Research Centre, she suffered the same not during angiography but the day following that because of high blood pressure. It is further beyond controversy that Dr. Chawla completed the angiography on September 2, 1999 which showed LAD artery blockage to the extent of 95 per cent. It is the plea of the respondents that had complainant

suffered aortic dissection during the angiography, it could not have been completed.

We have heard Mr. Mahabir Singh, Senior Counsel for the appellant as also Mr. Amarendra Sharan, Senior Counsel for the respondent. Undoubtedly, the complainant had aorta dissection. The question is as to whether it was the direct result of any negligent or rash act committed by Dr. Chawla while conducting the angiography. From the entries made in the discharge summary, we do not find that there was any emergency to treat the aortic dissection. Aortic dissection came to be noticed beyond all reasonable doubt on September 3, 1999. She was not operated upon. It may be mentioned here that in case of acute aortic dissection, emergency open heart surgery is required. However, in case of sub-acute aortic dissection, treatment with medication may be sufficient. There is sufficient material to come to the conclusion that the complainant was found stable after third day of angiography and till the date of discharge on

September 8, 1999. The only allegation of the complainant is of abdominal pain during the process of angiography. There is no dispute that she was aged about 55 years and suffering from hypertension when the angiography procedure was conducted on her. It is probable that due to such associated causes the passage of the catheter through aortic space was not smooth. There is no material to infer that Dr. Chawla had undertaken any adventurous step. There is nothing on record which points out that Dr. Chawla used any brutal force to push the catheter. In our opinion, mere completion of the angiography does not rule out aorta dissection during the procedure. We find that the complainant did not had a serious aorta dissection but was having sub-acute aorta dissection and this is the reason that the complainant was subjected to clinical management and, in fact, her condition became stable without any surgical interference. It is nobody's case that Dr. Chawla is not a competent coronary expert or he lacked adequate

knowledge in the field of coronary surgery. He is duly qualified and has good academic credentials. We have not found his conduct to be below the normal standard of a reasonably competent practitioner in his field. We are in agreement with the reasoning and the conclusion arrived at by the National Commission that the complainant has not been able to prove medical negligence on the part of Dr. Chawla.

In the result, we do not find any merit in the appeal and it is dismissed without any order as to costs.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(PINAKI CHANDRA GHOSE)

NEW DELHI,
JULY 10, 2014.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2323-2324 OF 2010

DELHI TRANSPORT CORPORATION ... APPELLANT(S)

VERSUS

SURENDRA PAL ...RESPONDENT(S)

O R D E R

The correctness of the order of the Division Bench dated 11.07.2008 wherein the Division Bench of the Delhi High Court has set aside the judgment and order dated 17.07.2007 passed by the learned Single Judge, who had set aside the award of the Industrial Tribunal and further giving direction to the appellant-Corporation for reinstatement of the workman with back wages on a dispute raised by the workman regarding the order of dismissal passed against him by the appellant-Corporation, is under challenge in these appeals urging various legal contentions.

The contention urged on behalf of the workman-respondent herein to annul the judgment and order of the learned Single Judge wherein he has held that the finding recorded on the preliminary issue with regard to the domestic enquiry proceedings, order

of dismissal in a reference case under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act") for adjudication of the dispute regarding the justification of the order of dismissal was held to be res judicata. The correctness of the same is questioned by the workman in the Letters Patent Appeal before the Division bench of Delhi High Court. Placing a strong reliance upon the judgment of this Court in the case of Atherton West and Company Ltd. vs. The Suti Mill Mazdoor Union and Ors., (1953) II LLJ 321, on the basis of Clause (23) of the Notification of U.P. Government under the U.P. Industrial Disputes Act, which was in pari materia to Section 33 of the Industrial Disputes Act, 1947, as it stood at that time, and corresponds to the present Section 33(i), the Division Bench has dealt with this legal aspects of the matter, after adverting to the finding recorded by the learned Single Judge at para 8 of the impugned Order. The Division Bench, at para 9, after referring to the judgment in Atherton West and Company Ltd., referred to supra, extracted paragraphs 16 and 17 of the said judgment, held that it does not amount to operate as res judicata. Further, the Division Bench of the High Court, after adverting to

the series of judgments of this Court, namely, The Automobile Products of India Ltd. vs. Rukmaji Bala and Ors., (1955) 1 LLJ 346 SC, and Lakshmi Devi Sugar Mills Ltd. vs. Ram Sarup and Ors., (1957) 1 LLJ 17 SC, with regard to the jurisdiction of Section 33 of the Act, recorded the legal position regarding grant of approval or refusing permission for dismissal would amount to res judicata in subsequent adjudication when a reference is made under Section 10 of the Act by an appropriate Government. The said contention had been negated in the aforementioned Lakshmi Devi Sugar Mills Ltd. case. Thereafter, in M/s G. Mckenzie & Co. Ltd. vs. Its Workmen and Ors., AIR 1959 SC 389, wherein this Court on a similar contention as has been urged in this case with regard to the finding of fact recorded by the State Industrial Tribunal recorded in the proceeding under Section 33 of the Act, operates as res judicata in the proceedings of Section 10 of the I.D. Act reference to either to the Labour Court/Industrial Tribunal has been rejected.

In our considered view, the Division Bench, after referring to the catena of judgments right from 1953 onwards on the question of law which has been raised

in these appeals considered and rightly negated the findings recorded by the learned Single Judge in holding that the subsequent proceedings under Section 10 of the Act, the issue with regard to the valid domestic enquiry held to be bad in law and the operation of res judicata is rightly rejected by the Division bench of the Delhi High Court.

In the result, we do not find any cogent reason, whatsoever, for our interference in these civil appeals. These appeals being devoid of any merit are accordingly dismissed. No costs.

.....J.
(V. GOPALA GOWDA)

.....J.
(C. NAGAPPAN)

NEW DELHI,
OCTOBER 16, 2014

ITEM NO.105

COURT NO.12

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2323-2324/2010

DELHI TRANSPORT CORP.

Appellant(s)

VERSUS

SURENDRA PAL

Respondent(s)

Date : 16/10/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Ms. A. Subhashini,Adv.

For Respondent(s) Mr. Binod Kumar Singh, Adv.
for Mr. H. K. Chaturvedi,Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(S. K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5817/2012

(From the judgement and order dated 25/11/2011 in RP No.3676/2006 of
The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

MANOHAR LAL Petitioner(s)

VERSUS

SARVOTTAM TRACTOR AGENCY & ANR Respondent(s)
(With office report)

Date: 31/03/2014 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)
Mr. Bharat Bhushan Jain,Adv.

For Respondent(s)
Ms. Soma Sharma, Adv.
Ms. Roopali Chatuvedi, Adv.
Mr. H.K. Chaturvedi,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the
signed order.

[Neeta] [Usha Sharma]
Sr. P.A. Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4444 /2014
(Arising out of SLP (Civil) No.5817/2012)

MANOHAR LAL Appellant

VERSUS

SARVOTTAM TRACTOR AGENCY & ANR Respondent(s)

O R D E R

Leave granted.

This appeal has been preferred by appellant against the
order dated 25th November, 2011 passed by the National Consumer

Disputes Redressal Commission, New Delhi (hereinafter referred to as the "National Commission") in Revision Petition No. 3676 of 2006. By its impugned order the National Commission held that in view of Section 27A of the Consumer Protection Act, 1986 (hereinafter referred to as the "Act"), revision petition filed against the impugned order passed in the execution proceedings was not maintainable and dismissed the same.

Before the National Commission the appellant challenged the order dated 18th May, 2006 passed by the State Consumer Disputes Redressal Commission, Haryana (hereinafter referred to as the "State Commission"). The State Commission by the said order dismissed the revision petition preferred by respondent no.2 of the said case but with following direction:

"That the petitioner shall move before the executing court by giving an undertaking that the petitioner will replace the engine at the agency of the petitioner at Rewari at its expense by deputing an engineer of the

-2-

petitioner and the application so made by the petitioner shall be decided within 15 days from the date of application is filed by the petitioner before the District Forum."

The grievance of the appellant before the National Commission was that the State Commission had no jurisdiction to direct the respondent no. 2 to move before the executing court by giving an undertaking that the respondent no. 2 will replace the engine and to direct the executing court to decide the same.

It is contended on behalf of the appellant that the District Forum has earlier dismissed the petition, filed by

respondent no. 2. Against the said order, the respondent no. 2 moved before the State Commission. Before the State Commission,

a wrong idea was given that the matter was pending before the executing court where respondent no. 2 will be giving an

undertaking that respondent no. 2 will replace the engine and on

such wrong placement of facts and presumption, the State

Commission ordered to dispose of the application within 15 days, filed by respondent no. 2. It is contended that in view of such observation made by the State Commission, the District Forum reopened the matter and passed a fresh order, though with regard to same very dispute the application of respondent no. 2 was dismissed on 24th March, 2006.

On notice, the respondent no.2 who was the Petitioner before the State Commission, has appeared and opposed the prayer.

On hearing the learned counsel for the parties, prima facie, we do not find anything wrong with the observations made

-3-

by the National Commission which refused to entertain a revision application against an order passed by the Executing Court.

However, the application before the District Forum, on

withdrawal of the appeal from the State Commission was

maintainable or not in view of the fact that the District Forum had earlier passed a substantive order is a question required to be determined. In that case, it is always open to an aggrieved person to challenge the same, if a District Forum entertains an appeal on wrong presumption and pass any order.

Learned counsel for the appellant informed that in view of the order passed by the State Commission the District Forum reopened the matter and passed the order on 26th July, 2006 in Execution No. 59 of 2004.

However, as the order dated 26th July, 2006 was not under challenge before the State Commission or National Commission, we refrain from giving any opinion with regard to the legality and propriety of the said order.

If the appellant is aggrieved, he may move before an appropriate forum against the order dated 26th July, 2006 passed

in Execution No. 59 of 2004 on the ground that the said

subsequent application was barred by Principle of Res judicata

or on any ground. If any such application is filed before the

Appropriate Forum against the order dated 26th July, 2006,

bringing to the notice of the Forum that the appellant was

pursuing the matter before wrong Forum. In such case it will be

-4-

open to the Forum to grant benefit of Section 14 of the Limitation Act and may decide the case on merit, in accordance with law.

The appeal stands disposed of with aforesaid observations.

.....J
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(N.V.RAMANA)

NEW DELHI;
MARCH 31, 2014

0
ITEM NO.27

COURT NO.2

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2014
CC 5827-5828/2014

(From the judgement and order dated 09/07/2013 in LPA No.182/2013
and dated 06/12/2013 in CM No.16390/2013 in LPA No.182/2013 of The
HIGH COURT OF DELHI AT N. DELHI)

ROMI SHARMA & ORS

Petitioner(s)

VERSUS

THE MANAGT. OF HOTEL THE OBEROI

Respondent(s)

With I.A. 1-2 (c/delay in filing SLP,c/delay in refiling SLP and
office report)

Date: 15/04/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. H.K. Chaturvedi,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the petitioners.
Delay condoned in filing and refiling special
leave petitions.
Special leave petitions are dismissed.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (Civil)
Nos.26969-26970/2012
(From the judgment and order dated 26/07/2010 in WA No.393/2010
and dated 12/11/2010 in RP No.206/2010 of The HIGH COURT OF M.P
AT GWALIOR)

STATE OF M.P.& ORS.

Petitioner(s)

VERSUS

JANAK SINGH TOMAR & ANR Respondent(s)
(With appln(s) for c/delay in filing SLP and permission to file
additional documents and placing addl. documents and for placing
on record counter affidavit)

Date: 02/05/2014 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s) Mr. C.D. Singh, Adv.
Mr. Anshuman Shrivastava, Adv.

For Respondent(s) Ms. Roopali Chaturvedi, Adv.
Mr. R.C.S. Bhardauriya, Adv.
Mr. H.K. Chaturvedi, Adv.

UPON hearing counsel the Court made the following
O R D E R

We are not inclined to interfere with the
judgments and orders passed by the High Court.

Consequently, the Special Leave Petitions are
dismissed on the ground of delay as well as on
merits. However, the questions of law raised in
the petition are left open.

(VINOD LAKHINA)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER



.().

SUPREME COURT OF INDIA (/)

॥ यतो धर्मस्ततो जयः ॥

[Case Information \(click here\)](#)

| Diary Number | Case Number | Party Name | AOR | Court / Tribunal | Free Text |
|--|--|-------------|---------------------------------------|------------------|-----------------|
| 4849 | | | | | captcha* |
| Case Type | Number | Year | | | |
| SPECIAL LEA ▾ | 6549 | 2014 ▾ | <input type="button" value="Submit"/> | | |
| Diary No.- 2130 - 2014 | | | | | |
| VIPTI RAM vs. GOVT. OF NCT OF DELHI | | | | | |
| Case Details | | | | | |
| Diary No. | 2130/2014 Filed on 17-01-2014 03:29 PM [SECTION: XIV] | | | | DISPOSED |
| Case No. | SLP(C) No. 006549 / 2014 Registered on 13-02-2014 S.L.P.(C)...CC No. 003225 / 2014 Registered on 28-02-2014 | | | | |
| Present/Last Listed On | | | | | |
| Status/Stage | DISPOSED () (Disposal Date: 28-02-2014, Month: 2, Year: 2014) JUDGES: HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR, HON'BLE MR. JUSTICE A.K. SIKRI | | | | |
| Disp.Type | Dismissed | | | | |
| Category | 0603-Service Matters : Removal/Dismissal/Termination from service or other major penalties | | | | |
| Act | | | | | |
| Petitioner(s) | 1 VIPTI RAM | | | | |
| Respondent(s) | 1 GOVT. OF NCT OF DELHI | | | | |
| Pet. Advocate(s) | H. K. CHATURVEDI | | | | |
| Resp. Advocate(s) | | | | | |
| U/Section | | | | | |
| Indexing | | | | | |
| Earlier Court Details | | | | | |
| Tagged Matters | | | | | |
| Listing Dates | | | | | |
| Interlocutory Application / Documents | | | | | |
| Court Fees | | | | | |
| Notices | | | | | |
| Defects | | | | | |
| Judgement/Orders | | | | | |
| Mention Memo | | | | | |
| Restoration Details | | | | | |
| DropNote | | | | | |
| Appearance | | | | | |
| Office Report | | | | | |
| Similarities | | | | | |
| Caveat | | | | | |

[History \(/history\)](#)
[Organizational Structure \(/organizational-\)](#)
[Publication \(/publication\)](#)
[Guidelines & Orders \(/guidelines-orders\)](#)

Correspondence
The Registrar,
 Supreme Court of India,
 Tilak Marg, New Delhi-110001
 011-23388922-24,23388942
 FAX : 011-
 23381508,23381584
 e-mail :
 supremecourt[at]nic[dot]in

Constitution
 (/constitution)
Jurisdiction
 (/jurisdiction)
Former Chief Justices
 (/former-chief-justices)
Former Justices
 (/former-justices)
Assets of Judges
 (/assets-judges)

structure
Amenities (/amenities)
Pay Scales (/payscales)
Officers / Officials
 (/officers-officials)
Officers Servant Rules
 (/officers-servant-rules-
 1961)
Telephone Directory
 (/telephone-directory)

**Accounts (/principal-
 accounts-office)**
Grievance Management
 (/grievance)
Practice And Procedure
 (/practice-and-
 procedure)
SC Rules - 1966
 (/supreme-court-rules-
 1966)
SC Rules - 2013
 (/supreme-court-rules-
 2013)
GSICC (/gsicc)

Employee Corner
 (https://registry.sci.gov.in/our_pe)
Forms (/forms)
India Code
 (<http://indiacode.nic.in/>)
Indian Courts
 (<http://indiancourts.nic.in/con>)
Disclaimer (/disclaimer)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7857 OF 2012

KISHAN LAL AGRAWAL

...APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE
COMPANY LTD. AND ORS.

...RESPONDENT(S)

O R D E R

1. We have heard learned counsel for the appellant.
2. Having gone through the records of the case, we are of considered opinion that the appeal, being devoid of any merits, is liable to be dismissed and is dismissed accordingly. However, question(s) of law raised, if any, are kept open to be agitated in an appropriate case.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015.

ITEM NO.53

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7857/2012

KISHAN LAL AGRAWAL

Appellant(s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. AND ORS.

Respondent(s)

(with office report)

Date : 07/10/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Ms. Roopali Chaturvedi, Adv.
Mr. H. K. Chaturvedi, Adv.

For Respondent(s) Mr. Debasis Misra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the
signed order.

In view of the above, pending
application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8417/2015

(Arising out of impugned final judgment and order dated 13/10/2014 in CMA No. 523/2014 passed by the High Court Of Rajasthan At Jodhpur)

YUSUF KHAN & ORS.

Petitioner(s)

VERSUS

AJIT SINGH & ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief and office report)

Date : 23/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)

Mr. S.K. Saksena, Adv.

Mr. Ashish K. Saksena, Adv.

Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

At the threshold, learned counsel for the Petitioners seeks leave to withdraw this Petition as the suit is still pending. Permission granted.

Consequently, the Special Leave Petition is dismissed as withdrawn.

ITEM NO.46

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s).
8987/2016

(Arising out of impugned final judgment and order dated 17/09/2015
in CRLR No. 3447/2015 passed by the High Court Of Judicature at
Allahabad)

ANIL

Petitioner(s)

VERSUS

STATE OF U.P. AND ANR

Respondent(s)

(with appln. (s) for c/delay in filing SLP and c/delay in refiling
SLP)

Date : 29/06/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Binod Kumar Singh, Adv.
Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

No ground for interference is made out to exercise
our jurisdiction under Article 136 of the Constitution of
India.

The special leave petition is dismissed.

Pending application(s), if any, stand(s)
disposed of.

Signature Not Verified
Digitally signed by
VINOD KUMAR
Date: 2016.06.30
15:26:38 IST
Reason: 

(VINOD KUMAR JHA)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No...../2016
CRL.M.P. No.10983/2016

(Arising out of impugned final judgment and order dated 18/04/2016
in AN No.3353/2016 passed by the High Court Of Orissa At Cuttack)

CHAKRADHAR MOHANTY Petitioner(s)

VERSUS

GURPREET SINGH AND ANR Respondent(s)

(With appln. (s) for permission to file SLP and interim relief)

Date : 15/07/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. H. K. Chaturvedi, Adv.
Ms. Anjali Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file the special leave petition is granted.

After some arguments, learned counsel appearing for the
petitioner seeks permission to withdraw this petition with liberty
to take steps under section 439 of the Code of Criminal Procedure.

Permission, as sought for, is granted.

Accordingly, the special leave petition is dismissed as
withdrawn.

(Sanjay Kumar-II)
Court Master

(Indu Pokhriyal)
Court Master

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 1586/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 07/10/2015
IN CRLMA NO. 11421/2014 PASSED BY THE HIGH COURT OF GUJARAT AT
AHMEDABAD)

PRIYANKA

PETITIONER(S)

VERSUS

STATE OF GUJARAT AND ORS.

RESPONDENT(S)

(WITH APPLN. (S) FOR EXEMPTION FROM FILING O.T. AND OFFICE REPORT)

Date : 04/03/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Ashish Saxena, Adv.

Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel for the petitioner and
perused the relevant material.

Exemption from filing O.T. is granted.

We do not find any legal and valid ground for
interference. The Special Leave Petition is dismissed.

[VINOD LAKHINA]
COURT MASTER[ASHA SONI]
COURT MASTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 25063/2016

(Arising out of impugned final judgment and order dated 05/11/2015
in LPA No. 486/2013 passed by the High Court of Delhi at New Delhi)

ROMI SHARMA & ANR.

Petitioner(s)

VERSUS

SECRETARY LABOUR & ORS.

Respondent(s)

(with interim relief and office report)

Date : 02/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. H. K. Chaturvedi, Adv.
Mr. Anjali Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RHeard the learned counsel for the
petitioners and perused the relevant material.We do not find any legal and valid ground
for interference. The Special Leave Petition is
dismissed.(Neetu Khajuria)
Court Master(Asha Soni)
Court Master

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

R.P.(C) NO. 3460/2016
IN
SLP(C) NO. 25063/2016

ROMI SHARMA AND ANR.

PETITIONER(S)

VERSUS

SECRETARY LABOUR COMMISSIONER AND ORS.

RESPONDENT(S)

Date : 10/11/2016 This petition was circulated today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

By Circulation

UPON perusing papers the Court made the following
O R D E R

The review petition is dismissed in terms of the
signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. 3460/2016

IN

SPECIAL LEAVE PETITION (CIVIL) NO.25063/2016

ROMI SHARMA AND ANR.PETITIONERS

VERSUS

SECRETARY, LABOUR COMMISSIONER
AND ORS.RESPONDENTS

ORDER

This Review Petition has been filed against the order dated 2nd September, 2016 whereby the Special Leave Petition was dismissed.

We have perused the Review Petition as well as the grounds in support thereof. In our opinion, no case for review of order dated 2nd September, 2016 is made out. Consequently, the review petition is dismissed.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
NOVEMBER 10, 2016

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION'

CRIMINAL APPEAL NO.644 OF 2016
(Arising from SLP(Crl.) No.4956/2016)

Vishal Pathak ..Appellant

versus

State of Uttar Pradesh and others ..Respondents

CRIMINAL APPEAL NO.647 OF 2016
(Arising from SLP(Crl.) No.5003/2016)

O R D E R

Criminal Appeal @ SLP(Crl.) No.4956/2016

Leave granted.

We have heard learned counsel for the appellant, and perused the record.

Through this appeal, the appellant has assailed the order passed by the High Court dated 31.3.2016, while disposing of criminal miscellaneous writ petition nos. 6676 of 2016. A perusal of the impugned order reveals, that the following factual position weighed with the High Court, for not entertaining the claim raised by the appellant seeking quashing of the FIR in Crime Case No.0754 of 2015, registered at police station Medical College, District Meerut:

"It appears that this is the second writ petition filed by the petitioner for the same cause of action, which is not maintainable, accordingly the writ petition is dismissed as not maintainable."

It is undoubtedly true, that the appellant had earlier approached the High Court seeking quashing of the same proceedings,

by filing criminal miscellaneous writ petition no. 3826 of 2016, and that, the said petition was dismissed on 19.02.2016. It was the vehement contention of the learned counsel for the appellant, that the adjudication by the High Court, while passing the impugned order in the instant case, was without application of mind, on account of the fact, that a fresh cause of action had arisen to the appellant to seek quashing, as is evident from the following grounds recorded in criminal miscellaneous writ petition no. 6676 of 2016:

"I. Because, petitioner and complainant both go into the compromise and settle the dispute between them and decided by the complainant to not prosecute the case further, therefore the new cause of action arose to challenge the F.I.R. dated 31.12.2015 on the ground of settlement with complainant and as per dicta of Gian Singh versus State of Punjab and another, decided on 24.09.2012, reported in (2012) 10 SCC 303.

II. Because, it has been settled between the parties before notary dated 11.03.2016 and prepare settlement deed for settle the dispute and complainant has given affidavit to the effect that he did not want to carry the case further. Original affidavit filed by Manoj Gangwar in support of this application for quashing of FIR in terms of Hon'ble Judgment of Supreme Court as per dicta of Gian Singh versus State of Punjab and another, decided on 24.09.2012, reported in (2012) 10 SCC 303.

III. Because, it has also been settled between the parties that the petitioner will file the case before this Hon'ble Court and Hon'ble Court will consider the case on the basis of settlement deed/compromise dated 11.03.2016."

Having perused the aforesaid grounds depicted in criminal miscellaneous writ petition no.6676 of 2016, we are of the view, that it escaped the High Court, while examining the claim raised by

the appellant, that after the disposal of the earlier criminal miscellaneous writ petition on 19.02.2016, there was a compromise between the parties. The subsequent criminal miscellaneous writ petition no. 6676 of 2016 was filed, on the basis of the said compromise.

In view of the above, we are of the view, that the impugned order passed by the High Court deserves to be set aside. The same is accordingly set aside. The matter is remanded back to the High Court, for re-determination of the claim raised by the appellant, by taking into consideration the grounds, extracted above.

We are mindful of the fact, that we have passed the instant order without issuing notice to the respondents, but we have chosen to do so, on account of the factual position which is apparent on the face of the record, and emerges from the reasons recorded in the impugned order, that the appellant has approached the High Court for second time, based on the same cause of action.

The Registry of the High Court is directed to list criminal miscellaneous writ petition no. 6676 of 2016 for fresh hearing, in accordance with law, on 24.08.2016.

The instant appeal is allowed in the aforesaid terms.

Criminal Appeal @ SLP(Crl.) No.5003/2016

Leave granted.

Learned counsel for the appellant states, that controversy in this matter is similar to the one raised in Criminal Appeal arising from SLP(Crl.) No. 4956/2016, and the appellant has compromised the dispute with the complainant in this matter as

well. He prays, that the instant appeal be disposed of in terms of the order passed today in Criminal Appeal arising from SLP(Crl.) No. 4956 of 2016.

The instant appeal is allowed in terms of the order passed by us today in Criminal Appeal arising from SLP(Crl.) No. 4956 of 2016.

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI;
JULY 15, 2016.

.....J.
[D.Y. CHANDRACHUD]

ITEM NO.31

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 4956/2016

(Arising out of impugned final judgment and order dated 31/03/2016 in CRMWP No. 6676/2016 passed by the High Court Of Judicature at Allahabad)

VISHAL PATHAK

Petitioner(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

WITH

SLP(Cr1) No. 5003/2016

(With (With appln.(s) for exemption from filing O.T. and appln.(s) for c/delay in refiling SLP and Interim Relief and Office Report)

Date : 15/07/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

(Renuka Sadana)
Court Master

(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C)...../2016
(CC Nos.6416-6417/2016)

(Arising out of impugned final judgment and order dated 07/08/2015 in LPA No. 49/2012 and dated 09/10/2015 in CM No. 22835/2015 in LPA No. 49/2012 passed by the High Court Of Delhi At New Delhi)

WORKS THROUGH ENGINEERING WORKERS LAL JHANDA UNION Petitioner(s)

VERSUS

INDIA NAVIGATION COMPANY AND ANR Respondent(s)
(With appln. (s) for c/delay in filing SLP and c/delay in refiling slp)

Date : 11/04/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

We do not find any merit in these petitions. The special leave petitions are, accordingly, dismissed.

Pending application, if any, stands disposed of.

(Anita Malhotra)
Court Master

(Sneh Bala Mehra)
Assistant Registrar



.().

SUPREME COURT OF INDIA (/)

॥ यतो धर्मस्ततो जयः ॥

[Case Information \(click here\)](#)

| Diary Number | Case Number | Party Name | AOR | Court / Tribunal | Free Text |
|---|---|---------------|-----|------------------|-----------------|
| 7828 | | | | | captcha* |
| Case Type | | Number | | Year | |
| REVIEW PETI ▼ | | 3634 | | 2016 ▼ | |
| Submit | | | | | |
| Diary No.- 32259 - 2016 ROMI SHARMA vs. EIH LTD. . | | | | | |
| Case Details | | | | | |
| Diary No. | 32259/2016 Filed on 23-09-2016 12:31 PM [SECTION: XVI] | | | | DISPOSED |
| Case No. | R.P.(C) No. 003634 / 2016 Registered on 27-10-2016 | | | | |
| Present/Last Listed On | 22-11-2016 [HON'BLE THE CHIEF JUSTICE RANJAN GOGOI and HON'BLE MR. JUSTICE PRAFULLA C. PANT] | | | | |
| Status/Stage | DISPOSED (Motion Hearing [FRESH (FOR ADMISSION) - CIVIL CASES]) (Disposal Date: 22-11-2016, Month: 11, Year: 2016) JUDGES: HON'BLE THE CHIEF JUSTICE RANJAN GOGOI, HON'BLE MR. JUSTICE PRAFULLA C. PANT | | | | |
| Disp.Type | Dismissed | | | | |
| Category | 0101-Labour Matters : Dismissal | | | | |
| Act | | | | | |
| Petitioner(s) | 1 ROMI SHARMA . | | | | |
| Respondent(s) | 1 EIH LTD. . | | | | |
| Pet. Advocate(s) | H. K. CHATURVEDI | | | | |
| Resp. Advocate(s) | | | | | |
| U/Section | | | | | |
| Indexing | | | | | |
| Earlier Court Details | | | | | |
| Tagged Matters | | | | | |
| Listing Dates | | | | | |
| Interlocutory Application / Documents | | | | | |
| Court Fees | | | | | |
| Notices | | | | | |
| Defects | | | | | |
| Judgement/Orders | | | | | |
| Mention Memo | | | | | |
| Restoration Details | | | | | |
| DropNote | | | | | |
| Appearance | | | | | |
| Office Report | | | | | |
| Similarities | | | | | |
| Caveat | | | | | |

[History \(/history\)](#)

Correspondence
The Registrar,
 Supreme Court of India,
 Tilak Marg, New Delhi-110001
 011-23388922-24,23388942
 FAX : 011-
 23381508,23381584
 e-mail :
 supremecourt[at]nic[dot]in

Constitution
 (/constitution)
Jurisdiction
 (/jurisdiction)

Former Chief Justices
 (/former-chief-justices)
Former Justices
 (/former-justices)
Assets of Judges
 (/assets-judges)

Organizational Structure
 (/organizational-
 structure)

Amenities (/amenities)
Pay Scales (/payscales)
Officers / Officials
 (/officers-officials)
Officers Servant Rules
 (/officers-servant-rules-
 1961)
Telephone Directory
 (/telephone-directory)

Publication
 (/publication)
**Accounts (/principal-
 accounts-office)**

Grievance Management
 (/grievance)
Practice And Procedure
 (/practice-and-
 procedure)

SC Rules - 1966
 (/supreme-court-rules-
 1966)

SC Rules - 2013
 (/supreme-court-rules-
 2013)

GSICC (/gsicc)

Guidelines & Orders
 (/guidelines-orders)
Employee Corner
 (https://registry.sci.gov.in/our_pe)
Forms (/forms)
India Code
 (http://indiacode.nic.in/)
Indian Courts
 (http://indiancourts.nic.in/con)
Disclaimer (/disclaimer)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s).
4828/2017

(Arising out of impugned final judgment and order dated 29/03/2016
in CRLM No. 48929/2013 passed by the High Court Of Patna)

GOPAL JHA

Petitioner(s)

VERSUS

ELAHI MANSURI AND ORS

Respondent(s)

(With appln. (s) for c/delay in filing SLP & Exemption from filing
O.T.)

Date : 27/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. H. K. Chaturvedi, Adv.
Ms. Anjali Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard.

Delay condoned.

We do not find any ground to interfere with the
impugned order.

The special leave petition is, accordingly,
dismissed.

Pending application(s), if any, shall also
stand disposed of.

(Madhu Bala)
Court Master

(Veena Khera)
Court Master

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 411 OF 2014
IN
WRIT PETITION (CIVIL) NO.246 OF 2011

AVISHEK RAJA & ORS.

...PETITIONER(S)

VERSUS

SANJAY GUPTA

...RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 33 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 572 OF 2014 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 34 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 571 OF 2014 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 38 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 46 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 50 OF 2015 IN WP
(C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL)
NO. 158 OF 2015 IN WP (C) NO.510 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 174 OF 2015 IN WP
(C) NO.510 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 101 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 103 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 104 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 105 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 106 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 107 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 109 OF 2015 IN WP (C) NO.246 OF 2011,

CONTEMPT PETITION (CIVIL) NO. 110 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 111 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 112 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 113 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 120 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 121 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 127 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 128 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 129 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 131 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 132 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 133 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 134 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 149 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 150 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 151 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 152 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 153 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 154 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 155 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 102 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 157 OF 2015 IN WP (C) NO.510 OF 2011, CONTEMPT PETITION (CIVIL) NO. 283 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 284 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 285 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 286 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 290 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)

NO. 287 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 288 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 291 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 450 OF 2014 IN WP (C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL) NO. 385 OF 2014 IN WP (C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL) D. NO. 25425 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25424 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25423 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25427 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25426 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25583 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 21713 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25577 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 12967 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25581 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 23904 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25578 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25579 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25431 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25432 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26077 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26256 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26078 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25430 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 8429 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 20025 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 23037 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 18567 OF

2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 27528 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 33442 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 33441 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36110 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36227 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36810 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 40055 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 972 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 11857 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 6277 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 13520 OF 2017 IN WP (C) NO.246 OF 2011, WP (C) NO.998 OF 2016, WP (C) NO.148 OF 2017 & WP (C) NO.299 OF 2017

J U D G M E N T

RANJAN GOGOI, J.

1. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter for short 'the Act') was enacted to regulate the conditions of service of working journalists and other persons employed in newspaper establishments throughout the country. The Act is a comprehensive piece of legislation dealing with, *inter alia*, entitlement to gratuity, hours of work, leave as well as fixation of

wages payable both to the working journalists and non-journalist newspaper employees, as may be. So far as fixation and revision of wages is concerned, Section 9 of the Act has left such fixation or revision of wages in respect of working journalists to be dealt with by a Wage Board constituted thereunder. The recommendations of the Wage Board, if accepted, are to be notified by the Central Government under Section 12 of the Act. Section 13 of the Act provides that upon coming into operation of the Order of the Central Government under Section 12 every working journalist will be entitled to be paid wages at the rate not less than what is specified in the Order. Chapter IIA of the Act contains *pari materia* provisions with regard to non-journalist employees of newspaper establishments.

2. Section 16 of the Act provides that the provisions thereof *"shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this*

Act." The proviso to Sub-section (1) of Section 16 and Sub-section (2) would require a specific notice and are, therefore, being extracted below.

Proviso to Sub-Section (1) Section 16

"Provided that where under any such award, agreement, contract of service or otherwise, a newspaper employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the newspaper employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

Sub-Section 2 of Section 16

(2) Nothing contained in this Act shall be construed to preclude any newspaper employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act."

3. Section 16A imposes an embargo on the employer for discharging or dismissing any employee "by reason of his liability for payment of wages to newspaper employees at the rates specified in an order of the Central Government under section 12, or under section 12 read with section 13AA or section 13DD".

4. Section 17 of the Act deals with recovery of money due from an employer. As a core issue on the

maintainability of the present contempt cases centers around the remedy provided for by the aforesaid provision of the Act, Section 17 of the Act may be set out hereunder.

- "17. (1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him, and if the State Government, or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.
- (2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law,
- (3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

5. Section 17B of the Act provides for appointment of Inspectors to ensure compliance with the various provisions of the Act.

6. The Central Government in exercise of its powers under Sections 9 and 13C had constituted two Wage Boards on 24.05.2007 under the Chairmanship of one Dr. Justice Narayana Kurup (retired Acting Chief Justice of the High Court of Madras) to determine the wages to be paid to working journalists and non-journalist employees. As Justice Kurup resigned from the post of Chairman on 31.7.2008, Justice G.R. Majithia (retired Judge of the Bombay High Court) was appointed as Chairman of the two Wage Boards on 04.03.2009. The Wage Boards headed by Justice Majithia (hereinafter referred to as the "Majithia Wage Board") submitted its recommendations to the Central Government on 31.12.2010. The same were accepted by the Central Government on 25.10.2011 and a Notification to the said effect, under Section 12 of the Act, was published on 11.11.2011.

7. Even before the Government Notification under Section

12 of the Act was published on 11.11.2011 various newspaper establishments affected by the Majithia Wage Board Award had challenged the recommendations of the Wage Board by filing writ petitions before this Court under Article 32 of the Constitution of India, the lead case being Writ Petition (C) No. 246 of 2011. During the pendency of the writ petitions the Notification dated 11.11.2011 under Section 12 of the Act came to be issued which was brought under challenge by amendments to the writ petitions.

8. The challenge in the aforesaid writ petitions, *inter alia*, was on the basis that the Act including the amendment thereto made in the year 1974 was constitutionally invalid and further that the constitution of the Wage Boards was contrary to the statutory provisions contained in the Act. The procedure adopted by the Wage Boards in determining the wages of working journalists as well as non-journalist employees was erroneous and faulty requiring interference of the Court.

9. The aforesaid Writ petitions challenging the Wage Board recommendations as well as the Notification dated 11.11.2011 accepting the said recommendations were negatived by this Court by its judgment and order dated 07.02.2014. It will be necessary at this stage to summarize the following conclusions of the Court in its judgment dated 07.02.2014 while dismissing the writ petitions in question.

"(i) After having exhaustively gone through the record of proceedings and various written communications, we are fully satisfied that the Majithia Wage Board proceedings had been conducted and carried out in a legitimate approach and no decision of the Wage Board is perceived to having been taken unilaterally or arbitrarily. Rather all decisions were reached in a coherent manner in the presence of all the Wage Board members after having processed various statistics and we find no irregularity in the procedure adopted by the impugned Wage Boards.

(ii) After perusing the relevant documents, we are satisfied that comprehensive and detailed study has been carried out by the Wage Board by collecting all the relevant material information for the purpose of the Wage Revision. The recommendations are arrived at after weighing the pros and cons of various methods in the process and principles of the Wage Revision in the modern era. It cannot be held that the wage structure recommended by the Majithia Wage Board is unreasonable.

(iii) We have carefully scrutinized all the details. It is clear that the recommendations of the Sixth Central Pay Commission have not been blindly imported/relied upon by the Majithia Wage Board. The concept of 'variable pay' contained in the recommendations of the Sixth Central Pay Commission has been incorporated into the Wage Board recommendations only to ensure that the wages of the

newspaper employees are at par with those employees working in other Government sectors. Such incorporation was made by the Majithia Wage Board after careful consideration, in order to ensure equitable treatment to employees of newspaper establishments, and it was well within its rights to do so.

(iv) Accordingly, we hold that the recommendations of the Wage Boards are valid in law, based on genuine and acceptable considerations and there is no valid ground for interference under Article 32 of the Constitution of India. Consequently, all the writ petitions are dismissed.

(v) In view of our conclusion and dismissal of all the writ petitions, the wages as revised/ determined shall be payable from 11.11.2011 when the Government of India has notified the recommendations of the Majithia Wage Boards. All the arrears up to March, 2014 shall be paid to all eligible persons in four equal installments within a period of one year from today and continue to pay the revised wages from April, 2014."

(Underlining is ours)

10. A look at the Majithia Wage Board Award would indicate that the Wage Board had classified newspaper establishments in different categories based on the average gross revenue of the establishments for the preceding three accounting years, i.e., 2007-08, 2008-09, 2009-10. Eight categories of newspaper establishments, based on the average gross revenue, were worked out and the working as well as non-working journalist employees were classified into different categories. The

recommendations were not only with regard to revised scale of wages and "variable pay" but also in respect of revised rates of dearness allowance, house rent allowance, transport allowance, hill area allowance (hardship allowance) etc.

11. At this stage Clause 20(j) of the Majithia Wage Board Award, which is one of the core areas of controversy in the present proceedings, may be specifically noticed.

"20(j) The revised pay scales shall become applicable to all employees with effect from the 1st of July, 2010. However, if an employee within three weeks from the date of publication of the Government Notification under Section 12 of the Act enforcing these recommendations exercises his option for retaining his existing pay scale and 'existing emoluments', he shall be entitled to retain his existing scale and such emoluments."

12. The Majithia Wage Board Award also specified that establishments which suffered heavy cash losses consequently in three preceding accounting years shall be exempt from payment of arrears, which is clear from Clause 21 of the Award extracted below.

"21. The arrears payable from the date of enforcement of the Award, if any, as a result of retrospective implementation, shall be paid in three equal installments after every six months from the date of enforcement of the Award and the first installment shall be paid within three

months;

Provided that the newspaper establishments, who suffered heavy cash losses consequently in three accounting years preceding the date of implementation of the Awards, shall be exempt from payment of any arrears. However, these newspaper establishments would be required to fix salaries or wages of their employees on notional basis in the revised scales of pay with effect from the date of implementation of the Awards, i.e., the 1st July, 2010."

13. Alleging that wages and allowances as per the Award of the Majithia Wage Board, duly approved and notified by the Central Government, have not been paid, the present contempt petitions (numbering 83) have been filed.

Three(3) writ petitions under Article 32 of the Constitution, i.e., Writ Petition Nos. 998 of 2016, 148 of 2017 and 299 of 2017 have also been filed alleging arbitrary transfer and termination/retrenchment of the concerned journalists and employees, who claim to have demanded due implementation of the Majithia Wage Board Award. The above is the subject matter of consideration in the present group of cases.

14. Considering the issues involved and the large number of contempt petitions that had been brought to this

Court, different orders have been pronounced by this Court from time to time to effectively resolve the issues. Orders dated 28.4.2015, 14.3.2016 and 8.11.2016 which are extracted below would require a specific notice and mention.

Order dated 28th of April, 2015:

"All the State Governments acting through their respective Chief Secretaries shall, within four weeks from today, appoint Inspectors under Section 17-B of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 to determine as to whether the dues and entitlements of all categories of Newspaper Employees, including Journalists under the Majithia Wage Board Award, has been implemented in accordance with the terms thereof. The inspectors appointed by the State Government will naturally exercise their powers as provided under the Act and shall submit their report to this Court through the Labour Commissioners of each State indicating the precise findings on the issue indicated above."

(Emphasis is supplied by us)

Order dated 14th of March, 2016:

"We have also taken note of the various interlocutory applications that have been filed alleging wrongful termination of services and fraudulent surrender of the rights under the Wage Board recommendations to avoid liabilities in terms of the order of the Court. As such complaints received till date is substantial in number, this Court is not in a position to individually examine each case. We, therefore, direct the Labour Commissioner of each of the States to look into all such grievances and on determination of the same file necessary reports before the Court which will also be so filed on or before 12th July, 2016. We grant liberty to each of the individual employees who have filed the interlocutory applications and

also such employees who are yet to approach this Court but have a grievance of the kind indicated above to move the Labour Commissioner of the State concerned in terms of the present order."
(Emphasis is supplied by us)

Order dated 08th of November, 2016:

"For reasons we do not consider necessary at present to record the exercise of monitoring the implementation of the Majithia Wage Board Recommendations on the basis of the reports called for from the Labour Commissioners of different States stand deferred to a later date. Instead, it would be prudent and in fact necessary to decide certain questions of law which now stand formulated and have been submitted to the Court by Shri Colin Gonsalves, learned senior counsel, at the request of the Court.

Once the legal formulations are considered and decided, further orders with regard to the mechanism to implement the Majithia Wage Board Recommendations will follow."
(Emphasis is supplied by us)

15. On the basis of the aforesaid orders of the Court, several reports have been submitted by the Labour Commissioners of different States indicating the position with regard to the implementation of the Majithia Wage Board Award. The said Reports indicate that in some of the States, some establishments have implemented the Award in full, whereas others have so implemented the same partially. In some cases no progress in the matter

of implementation has been made at all. The reasons for non-implementation of the award or partial implementation, as may be, as evident from the reports of the Labour Commissioners can be identified to be four-fold which are indicated below.

- (1) As reported by the Labour Commissioners in some of the establishments, as per Clause 20(j) of the Majithia Award many employees have agreed to be governed by the wage structure which had existed before the Majithia Wage Board recommendations were accepted and notified by the Central Government. The issue of authenticity and the voluntariness of such undertakings, allegedly submitted by the employees, is also highlighted in the reports of the Labour Commissioner indicating that the same are being subjected to the adjudicatory process under the provisions of Section 17 (quoted above) of the Act.
- (2) The terms of the Majithia Wage Board Award are required to be implemented by the newspaper establishments only for regular employees and not

for contractual employees.

(3) The element of "variable pay" recommended by the Majithia Wage Board and accepted by the Central Government are not required to be taken into account for the purpose of calculating other allowances like Dearness Allowance etc.

(4) As per the reports of the Labour Commissioners submitted to this Court a large number of newspaper establishments have expressed their inability to pay the arrears in view of serious financial constraints.

16. The petitioners contend that the working journalists as well as the non-journalist employees are entitled to receive their wages as per the Majithia Wage Board Award once the recommendations have been accepted and notified by the Central Government under Section 12 of the Act. This, according to the contempt petitioners, flows from the provisions of Section 13 read with Section 16 of the Act under which provisions, the Wage Board recommendations, on being notified by the Central

Government under Section 12 of the Act, supersedes all existing arrangements including specific contractual arrangements governing conditions of service of working and non-journalist employees. The wages recommended by the Wage Board, as approved and accepted by the Central Government, is guaranteed by the Act to the concerned working and non-journalist employees. The wages notified can be departed only to adopt more beneficial and favourable rates. It is, therefore, the contention of the contempt petitioners that any agreement or undertaking to be governed by the previous wage structure, which is less favourable than what has been recommended by the Majithia Wage Board, is *non est* in law. That apart, contentions had been raised that none of the said undertakings are voluntary and have been obtained under duress and under threat of transfer/termination. The contempt petitioners, therefore, urge that the Majithia Wage Board Award to the above extent may be clarified by this Court.

17. Insofar as variable pay, contractual employees, and

financial capacity is concerned, it is the case of the contempt petitioners that all the above matters have been exhaustively dealt with by the Majithia Wage Board. The recommendations thereof having been accepted by the Central Government there is no scope for any further debate or controversy on the said score. The Wage Board recommendations, as approved and notified, would apply to all categories of employees, including contractual employees, who would also be entitled to variable pay and computation of all allowances by inclusion of variable pay. All employers are also obliged to pay the arrears from the stipulated date unless an establishment has suffered "heavy cash losses" in the three preceding accounting years preceding the date of implementation of the Award which is to be distinguished from mere financial difficulties, as may be projected by an employer.

18. Opposing the contempt petitions and on behalf of the newspaper establishments it is contended that the four issues, urged on behalf of the contempt petitioners,

identified above, have not been, in any manner, dealt with in the main judgment dated 07.02.2014 passed in Writ Petition No. 246 of 2011. It is, therefore, submitted that in the exercise of contempt jurisdiction, the judgment dated 07.02.2014 passed in the main writ petition cannot be amplified, clarified or "added to" so as to bring the alleged non-compliance within the four corners of limited contempt jurisdiction. As the four issues, crystallized above, does not form part of the judgment dated 07.02.2014 passed in Writ Petition No. 246 of 2011, it cannot be urged that any of the newspaper establishments are guilty of commission of contempt for allegedly violating or flouting the said terms/requirements which are now sought to be attributed to be a part of the Majithia Wage Board Award and hence contended to be a part of the judgment dated 07.02.2014 passed in Writ Petition NO. 246 of 2011 in respect of which disobedience is alleged.

19. The contours of power of the Court so far as commission of civil contempt is concerned have been

elaborated upon in a number of pronouncements of this Court. Illustratively, reference may be made to the following observations in the case of Kapildeo Prasad Sah vs. State of Bihar¹.

"For holding the respondents to have committed contempt, civil contempt at that, it has to be shown that there has been wilful disobedience of the judgment or order of the Court. Power to punish for contempt is to be resorted to when there is clear violation of the Court's order. Since notice of contempt and punishment for contempt is of far reaching consequence and these powers should be invoked only when a clear case of wilful disobedience of the court's order has been made out. Whether disobedience is wilful in a particular case depends on the facts and circumstances of that case. Judicial orders are to be properly understood and complied with. Even negligence and carelessness can amount to disobedience particularly when the attention of the person is drawn to the Court's orders and its implication.

.....

Jurisdiction to punish for contempt exists to provide ultimate sanction against the person who refuses to comply with the order of the court or disregards the order continuously.

.....

No person can defy the Court's order. Wilful would exclude casual, accidental, bona fide or unintentional acts or genuine inability to comply with the terms of the order. A petitioner who complains breach of Court's order must allege deliberate or contumacious disobedience of the Court's order."

(Emphasis is supplied by us)

20. Similar is the view expressed by this Court in

1 (1999) 7 SCC 569

Ashok Paper Kamgar Union vs. Dharam Godha², Anil Kumar Shahi vs. Professor Ram Sevak Yadav³, Jhareswar Prasad Paul vs. Tarak Nath Ganguly⁴, Union of India vs. Subedar Devassy PV⁵, Bihar Finance Service House Construction Co-operative Society Ltd. vs. Gautam Goswami⁶ and Chhotu Ram vs. Urvashi Gulati⁷. In view of the consistency in the opinions rendered therein, it will not be necessary to burden this order by any detailed reference to what has been held in the above cases except to reiterate that the standard of proof required to hold a person guilty of contempt would be the same as in a criminal proceeding and the breach alleged shall have to be established beyond all reasonable doubt [Chhotu Ram vs. Urvashi Gulati (supra)]. More recent in point of time is the view expressed by this Court in Noor Saba vs. Anoop Mishra⁸ wherein the scope of the contempt power in case of a breach of a Court's order has been dealt with in paragraph 14 of the report in the following manner -

2 (2003) 11 SCC, 1
3 (2008) 14 SCC 115
4 (2002) 5 SCC 352
5 (2006) 1 SCC 613
6 (2008) 5 SCC 339
7 (2001) 7 SCC 530
8 (2013) 10 SCC 248

"To hold the respondents or anyone of them liable for contempt this Court has to arrive at a conclusion that the respondents have wilfully disobeyed the order of the Court. The exercise of contempt jurisdiction is summary in nature and an adjudication of the liability of the alleged contemnor for wilful disobedience of the Court is normally made on admitted and undisputed facts. In the present case not only there has been a shift in the stand of the petitioner with regard to the basic facts on which commission of contempt has been alleged even the said new/altered facts do not permit an adjudication in consonance with the established principles of exercise of contempt jurisdiction so as to enable the Court to come to a conclusion that any of the respondents have wilfully disobeyed the order of this Court ..."
(Emphasis is supplied by us)

21. Similarly, in Sudhir Vasudeva vs. George Ravishekaran⁹ the issue has been dealt with in a manner which may be of relevance to the present case. Para 19 of the report is as follows.

"The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act of 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is

9 (2014) 3 SCC 373

alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above."

(Emphasis is supplied by us)

22. From the stand adopted by the newspaper establishments in the various counter affidavits filed; from the statements made in the reports submitted by the Labour Commissioners of different States from time to time; and also from the written arguments filed and the oral submissions advanced it is clear that part implementation/non-implementation of the Majithia Wage Board Award by the concerned newspaper establishments is on account of what the said establishments have perceived to be the scope and ambit of the Majithia Wage Board Award as approved and notified by the Central Government, the

challenge to which has been dismissed by this Court by judgment dated 07.02.2014 passed in Writ Petition No. 246 of 2011. The stand taken for what is alleged to be non-implementation or partial implementation of the Award, as may be, having clearly stemmed from the understanding of the Award of the concerned newspaper establishments in a particular manner, it is our considered view that the said establishments cannot be held to have wilfully disobeyed the judgment of this Court dated 07.02.2014 passed in Writ Petition No. 246 of 2011. At best, the default alleged has taken place on account of a wrong understanding of the Award as upheld by this Court. This would not amount to wilful default so as to attract the liability of civil contempt as defined under Section 2(b) of the Contempt of Courts Act, 1971. The default alleged though is unmistakably evident to us, in the absence of any wilful or deliberate intention to commit the same cannot make any of the newspaper establishments liable for contempt. On the other hand, they are entitled to one more opportunity to implement the Award in its proper spirit and effect in

the light of what we now propose to say.

23. The Majithia Wage Board Award has been approved by this Court by its judgment dated 07.02.2014 passed in Writ Petition No. 246 of 2011. The Award, therefore, has to be implemented in full. While it is correct that issues concerning, (i) Clause 20(j); (ii) whether the award applies to contractual employees; (iii) whether it includes variable pay and (iv) the extent of financial erosion that would justify withholding of payment of arrears has not been specifically dealt with either in the Award or in the judgment of this Court, there can be no manner of doubt that a reiteration of the scope and ambit of the terms of the Award would necessarily be called for and justified. This is what we propose to do hereinafter so as to ensure due and full compliance with the order(s) of the Court.

24. Insofar as the highly contentious issue of Clause 20(j) of the Award read with the provisions of the Act is concerned it is clear that what the Act guarantees to

each "newspaper employee" as defined in Section 2(c) of the Act is the entitlement to receive wages as recommended by the Wage Board and approved and notified by the Central Government under Section 12 of the Act. The wages notified supersedes all existing contracts governing wages as may be in force. However, the Legislature has made it clear by incorporating the provisions of Section 16 that, notwithstanding the wages as may be fixed and notified, it will always be open to the concerned employee to agree to and accept any benefits which is more favourable to him than what has been notified under Section 12 of the Act. Clause 20(j) of the Majithia Wage Board Award will, therefore, have to be read and understood in the above light. The Act is silent on the availability of an option to receive less than what is due to an employee under the Act. Such an option really lies in the domain of the doctrine of waiver, an issue that does not arise in the present case in view of the specific stand of the concerned employees in the present case with regard to the involuntary nature of the undertakings allegedly furnished by them. The

dispute that arises, therefore, has to be resolved by the fact finding authority under Section 17 of the Act, as adverted to hereinafter.

25. In any event having regard to the Legislative history and the purpose sought to be achieved by enactment of the Act i.e. to provide the minimum if not a fair wage to Newspaper employees, the ratio of the pronouncement in Bijay Cotton Mills Ltd. and Ors. vs. State of Ajmer¹⁰, holding wages notified under the Minimum Wages Act, 1948 to be non-negotiable would squarely govern the wages notified under the present Act. Para 4 of the report in Bijay Cotton Mills Ltd. (supra) which deals with the above issue is extracted hereinbelow for specific notice.

"4. It can scarcely be disputed that securing of living wages to labourers which ensure not only bare physical subsistence but also the maintenance of health and decency, is conducive to the general interest of the public. This is one of the Directive Principles of State Policy embodied in Article 43 of our Constitution. It is well known that in 1928 there was a Minimum Wages Fixing Machinery Convention held at Geneva and the resolutions passed in that convention were embodied in the International Labour Code. The Minimum Wages Act is said to

10 AIR 1955 SC 33

have been passed with a view to give effect to these resolutions. Vide -South India Estate Labour Relations Organisation vs. State of Madras¹¹.

If the labourers are to be secured in the enjoyment of minimum wages and they are to be protected against exploitation by their employers, it is absolutely necessary that restraints should be imposed upon their freedom of contract and such restrictions cannot in any sense be said to be unreasonable. On the other hand, the employers cannot be heard to complain if they are compelled to pay minimum wages to their labourers even though the labourers, on account of their poverty and helplessness are willing to work on lesser wages."

(Emphasis is ours)

26. There is nothing either in the provisions of the Act or in the terms of the Wage Board Award which would enable us to hold that the benefits of the Award would be restricted to the regular employees and not contractual employees. In this regard we have taken note of the definition of "newspaper employees", "Working Journalist" and "Non-Journalist newspaper employees" as defined in Section 2(c), 2(f) and 2(dd) of the Act. Insofar as "variable pay" is concerned, as already noticed and extracted in paragraph 7 above, this Court while dealing with the concept of variable pay has taken the view that the said relief has been incorporated in the Majithia

11 AIR 1955 Mad 45 at p.47

Wage Board Award in order to give fair and equitable treatment to employees of newspapers. Therefore, no question of withholding the said benefit by taking any other view with regard to "variable pay" can arise. In fact, a reading of the relevant part of the Award would go to show that the concept of "variable pay" which was introduced in the Award stems from grade pay contained in the Report of the 6th Pay Commission and was intended to bring the working journalist and non-journalist employees covered by the Act at par with the Central Government employees to the extent possible. So far as the concept of heavy cash losses is concerned, we are of the view that the very expression itself indicates that the same is different from mere financial difficulties and such losses apart from the extent of being crippling in nature must be consistent over the period of time stipulated in the Award. This is a question of fact that has to be determined from case to case.

27. Having clarified all doubts and ambiguities in the matter and upon holding that none of the newspaper

establishments should, in the facts of the cases before us, be held guilty of commission of contempt, we direct that henceforth all complaints with regard to non-implementation of the Majithia Wage Board Award or otherwise be dealt with in terms of the mechanism provided under Section 17 of the Act. It would be more appropriate to resolve such complaints and grievances by resort to the enforcement and remedial machinery provided under the Act rather than by any future approaches to the Courts in exercise of the contempt jurisdiction of the Courts or otherwise.

28. Insofar as the writ petitions seeking interference with transfer/termination, as the case may be, are concerned, it appears that the same are relatable to service conditions of the concerned writ petitioners. Adjudication of such question in the exercise of high prerogative writ jurisdiction of this Court under Article 32 of the Constitution would not only be unjustified but such questions should be left for determination before the appropriate authority either under the Act or under

cognate provisions of law (Industrial Disputes Act, 1947 etc.), as the case may be.

29. In the light of the above, all the contempt petitions as well as the writ petitions filed under Article 32 of the Constitution shall stand answered and disposed of in the terms hereinabove.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

NEW DELHI
JUNE 19, 2017.

ITEM NO.2 & 2.1 to 2.85

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (CIVIL) NO. 411 OF 2014
IN
WRIT PETITION (CIVIL) NO.246 OF 2011

AVISHEK RAJA & ORS.

...PETITIONER(S)

VERSUS

SANJAY GUPTA

...RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 33 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 572 OF 2014 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 34 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 571 OF 2014 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 38 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 46 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 50 OF 2015 IN WP (C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL) NO. 158 OF 2015 IN WP (C) NO.510 OF 2011, CONTEMPT PETITION (CIVIL) NO. 174 OF 2015 IN WP (C) NO.510 OF 2011, CONTEMPT PETITION (CIVIL) NO. 101 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 103 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 104 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 105 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 106 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 107 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 109 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 110 OF 2015 IN WP

(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 111 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 112 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 113 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 120 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 121 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 127 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 128 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 129 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 131 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 132 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 133 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 134 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 149 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 150 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 151 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 152 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 153 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 154 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 155 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 102 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 157 OF 2015 IN WP (C) NO.510 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 283 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 284 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 285 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 286 OF 2015 IN WP (C) NO.246 OF 2011,
CONTEMPT PETITION (CIVIL) NO. 290 OF 2015 IN WP
(C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL)
NO. 287 OF 2015 IN WP (C) NO.246 OF 2011,

CONTEMPT PETITION (CIVIL) NO. 288 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 291 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) NO. 450 OF 2014 IN WP (C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL) NO. 385 OF 2014 IN WP (C) NO.264 OF 2012, CONTEMPT PETITION (CIVIL) D. NO. 25425 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25424 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25423 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25427 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25426 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25583 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 21713 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25577 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 12967 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25581 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 23904 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25578 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25579 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25431 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25432 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26077 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26256 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 26078 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 25430 OF 2015 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 8429 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 20025 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 23037 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 18567 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION

(CIVIL) D. NO. 27528 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 33442 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 33441 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36110 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36227 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 36810 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 40055 OF 2016 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 972 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 11857 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 6277 OF 2017 IN WP (C) NO.246 OF 2011, CONTEMPT PETITION (CIVIL) D. NO. 13520 OF 2017 IN WP (C) NO.246 OF 2011, WP (C) NO.998 OF 2016, WP (C) NO.148 OF 2017 & WP (C) NO.299 OF 2017

Date : 19/06/2017 These cases were called on for pronouncement of judgment today.

For parties (s)

Mr. Parmanand Pandey, AOR

Mr. Shekhar Kumar, AOR

Mr. Dinesh Kumar Garg, AOR

Mr. Nitin Kumar Thakur, AOR

Mr. Kunal Verma, AOR

Mr. Satya Mitra, AOR

M/s. M. Rambabu & Co., AOR

Mr. Prashant Katara, Adv.

Ms. Parul Sharma, Adv.

Mr. Neeraj Dubey, Adv.

Mr. Kedar Nath Tripathy, AOR.

Mr. Abhinav Mukerji, AOR

Mr. H. K. Chaturvedi, AOR

Mr. Rajan K. Chourasia, AOR

Mr. Praveen Swarup, AOR

Mr. Umesh Sharma, Adv.

Mr. Satish Kumar, AOR.

Mr. Subhash Chandran K.R., Adv.

Mr. Raj Singh Rana, AOR

Mr. V.M. Srivastava, Adv.

Mr. Mahesh Srivastava, Adv.

Ms. Shringarika Priyadarshini, Adv.

Mr. P. N. Puri, AOR.

Mr. Rakesh Mishra, AOR

Mr. Milind Kumar, AOR

Mr. Balraj Dewan, AOR

Mr. P. George Giri, AOR

Mr. Narender Kumar Verma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. A. Raghunath, AOR

Mr. Arjun Garg, AOR

State of Manipur

Mr. Ashok Kumar Singh, AOR

Mr. Birendra Kumar Mishra, AOR

Ms. Poonam Atey, Adv.

Mr. Vijay Kumar, Adv.

State of Chhattisgarh

Mr. C.D. Singh, AAG

Mr. Prateek Rusia, Adv.

Mr. Birendra Kumar Mishra, AOR

Mr. Chandra Prakash, AOR

Mr. Nitin Kumar Thakur, AOR

State of Bihar

Mr. Gautam Singh, Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Samir Ali Khan, AOR.

State of Nagaland

Ms. K. Enatoli Sema, AOR
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Ms. Elix Gangmei, Adv.

Mr. Manish Sharma, Adv.
Mr. mohammed Raiz, Adv.
for M/s. Karanjawala & Co., AOR.

Mr. Ajay Choudhary, AOR

Mr. Jayant Kumar Mehta, AOR

Ms. Pragya Baghel, AOR

Mr. Anil Shrivastav, AOR

Mr. Mohan Lal Sharma, AOR

Mr. Santosh Kumar Tripathi, AOR

Mr. Ajay Kumar Singh, AOR

Mr. Vijay K. Jain, AOR

State of Telangana

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

Mr. Shantanu Sagar, AOR

State of Jharkhand

Mr. Tapes K. Singh, Adv.
Mr. Mohd. Waquas, Adv.
Mr. Aditya Pratap Singh, Adv.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2351/2014

(Arising out of impugned final judgment and order dated 29/08/2013 in CR No. 1141/2003 passed by the High Court Of Punjab & Haryana At Chandigarh)

PRITAM SINGH BAKSHI

Petitioner(s)

VERSUS

CHARANJIT SINGH & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date : 24/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. Virender Kumar Tiwari,Adv.
Mr. H. K. Chaturvedi,Adv.For Respondent(s) Mr. Manoj Swarup,Adv.
Mr. Akshat Goel,Adv.
Mr. Dushyant Tiwari,Adv.
Mr. Rohit Kumar Singh,Adv.UPON hearing the counsel the Court made the following
O R D E R

Heard.

We do not see any ground to interfere with the impugned order.

The special leave petition is accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

ITEM NO.37

COURT NO.3

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).9340-9378/2014

(Arising out of impugned final judgment and order dated 20-09-2013 in WA No. 1306/2012 20-09-2013 in WA No. 1307/2012 20-09-2013 in WA No. 1689/2012 20-09-2013 in WA No. 1690/2012 20-09-2013 in WA No. 1691/2012 20-09-2013 in WA No. 1692/2012 20-09-2013 in WA No. 1693/2012 20-09-2013 in WA No. 1694/2012 20-09-2013 in WA No. 1695/2012 20-09-2013 in WA No. 1696/2012 20-09-2013 in WA No. 1697/2012 20-09-2013 in WA No. 1698/2012 20-09-2013 in WA No. 1699/2012 20-09-2013 in WA No. 1700/2012 20-09-2013 in WA No. 1701/2012 20-09-2013 in WA No. 1702/2012 20-09-2013 in WA No. 1703/2012 20-09-2013 in WA No. 1704/2012 20-09-2013 in WA No. 1705/2012 20-09-2013 in WA No. 1706/2012 20-09-2013 in WA No. 1725/2012 20-09-2013 in WA No. 1726/2012 20-09-2013 in WA No. 1727/2012 20-09-2013 in WA No. 1729/2012 20-09-2013 in WA No. 1730/2012 20-09-2013 in WA No. 1731/2012 20-09-2013 in WA No. 1732/2012 20-09-2013 in WA No. 1733/2012 20-09-2013 in WA No. 1734/2012 20-09-2013 in WA No. 1735/2012 20-09-2013 in WA No. 1738/2012 20-09-2013 in WA No. 1740/2012 20-09-2013 in WA No. 1741/2012 20-09-2013 in WA No. 1743/2012 20-09-2013 in WA No. 1744/2012 20-09-2013 in WA No. 1745/2012 20-09-2013 in WA No. 1746/2012 20-09-2013 in WA No. 16715/2011 passed by the High Court of Karnataka at Bangalore)

BRUHAT BANGALORE MAHANAGARA PALIKE & ANR.

Petitioner(s)

VERSUS

M/S RADIANT PROPERTIES & ORS.

Respondent(s)

WITH

SLP(C) No. 11001-11041/2014 (IV-A)

Date : 23-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. E. C. Vidya Sagar, AOR

Respondent(s)

Mr. Vikas Upadhyay, AOR

Mr. Nikhil Nayyar, AOR

Mr. T. Mahipal, AOR

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar K.B., Adv.
for M/s. Nuli & Nuli

Mr. Balaji Srinivasan, AOR

Mr. Shekhar G. Devasa, Adv.
Mr. Mahesh, Adv.
Mr. Manish Tiwari, Adv.
Mr. Luv Kumar, Adv.
for M/S. Devasa & Co.

Mr. Vadivelu Deenadayalan, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Shailesh Madiyal, AOR

Mr. H. K. Chaturvedi, AOR

Dr. Sushil Balwada, AOR

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Mr. Aishwarya Kumar, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R

The special leave petitions are dismissed.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

ITEM NO.9

COURT NO.9

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 31175/2017

(Arising out of impugned final judgment and order dated 28-06-2017 in SCCR No. 427/2016 passed by the High Court Of Judicature At Allahabad)

JEEVESH ALIAS SULTAN CHAUBEY

Petitioner(s)

VERSUS

RAJESHWAR PRASAD AGARWAL (SINCE DEAD) THOROUGH HIS LEGAL HEIRS
Respondent(s)

Date : 16-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. H. K. Chaturvedi, AOR


For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the petitioner.

We do not find any merit in this petition. The Special Leave Petition is accordingly dismissed. However, the petitioner is granted six months' time to vacate the premises subject to filing of a usual undertaking within four weeks from today.

Pending applications, if any, shall stand disposed of.

Signature of (SHASHI SAREEN)
Digitally signed by SHASHI SAREEN
Date: 2018.07.17
15:57:41
Reason: 

(SAROJ KUMARI GAUR)
BRANCH OFFICER

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1424 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 3331 OF 2018]

SHRI RAM MURTI SINGH

Appellant(s)

VERSUS

BRIJESH SINGH & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is before this Court, aggrieved by the order dated 30.03.2018 passed by the High Court of Judicature at Allahabad in Criminal Misc. 2nd Bail Application No. 44781 of 2015, whereby the High Court granted bail to the first respondent, who is Accused No. 2 in Case Crime No. 284 of 2013, registered under Sections 147, 148, 149, 302, 34 & 120B IPC and under Section 7 of Criminal Law Amendment Act, Police Station Meja, District Allahabad.

3. Having gone through the impugned order, we are disturbed to note that there is no proper application of mind on the part of the learned Judge. The High Court, in the impugned Judgment, has held as under :-

*“Without expressing any opinion on
the merits of the case and*

considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case."

4. Obviously, the considerations recorded by the learned Judge are good enough for denial of bail and yet the learned Judge has granted the bail.

5. Be that as it may, the learned senior counsel appearing for the first respondent submits that he has been in custody since 08.08.2013. But we are informed by the prosecution that the trial has not yet been concluded. Mr. Pramod Swarup, learned senior counsel appearing for the State, submits that only 3 out of 13 witnesses have been examined. Therefore, we set aside the order dated 30.03.2018 and dismiss the application for bail. However, we make it clear that after the conclusion of the trial, it will be open to the first respondent to renew his application for bail before the trial court, in which case, the same will be considered on its own merits.

6. In view of the above, the appeal is disposed of. We direct the trial court to conclude the trial as expeditiously as possible and preferably, within four months.

7. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[DEEPAK GUPTA]

.....J.
[HEMANT GUPTA]

New Delhi;
November 20, 2018.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).24546/2017

(Arising out of impugned final judgment and order dated 06-02-2017
in WP No.13073/2016 passed by the High Court Of M.P. Principal Seat
At Jabalpur)

RAMDAS

Petitioner(s)

VERSUS

RAMCHARAN & ORS.

Respondent(s)

Date : 12-02-2018 The matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAOFor Petitioner(s) Mr. H. K. Chaturvedi, AOR
Mr. Sagar Chaturvedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing for the petitioner prays for
withdrawal of this petition with liberty to file a civil suit in
accordance with law.

Prayer is allowed.

Accordingly, the special leave petition is dismissed as
withdrawn with the liberty aforesaid.

(SANJAY KUMAR-II)
COURT MASTER (SH)(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR

ITEM NO.3

COURT NO.10

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 576/2018

RICHA ASHISH KUMAR JHA

Petitioner(s)

VERSUS

ASHISH KUMAR ADITYA NATH JHA

Respondent(s)

(FOR ADMISSION and IA No.42521/2018-STAY APPLICATION)

Date : 12-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. H. K. Chaturvedi, AOR
Mr. Sagar Chaturvedi, Adv.
Mr. R.K. Thakur, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

No ground to transfer the case is made out.
Accordingly, the transfer petition is dismissed.

However, the petitioner may claim travel expenses from the respondent on the particular dates. She may also avail video conferencing facility as and when permitted by the court. In case, the parties make a prayer for mediation, the concerned court shall make endeavour in that direction also.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER

ITEM NO.8

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6940-6941/2018

(Arising out of impugned final judgment and order dated 12-02-2018 in RP No. 68/2018 and 09-01-2018 in RCR No. 7/2018 passed by the High Court Of Delhi at New Delhi)

SUN N SHADE OPTICIANS & ORS.

Petitioner(s)

VERSUS

SHYAM SUNDER BUDHIRAJA
THROUGH HIS SPA HOLDER

Respondent(s)

Date : 27-03-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. H. K. Chaturvedi, AOR
Mr. Sagar Chaturvedi, Adv.

For Respondent(s) Mr. B. Adinarayana Rao, Sr. Adv.
Mr. Kuriakose Varghese, Adv.
Mr. V. Shyamohan, AOR
Mr. Surya Prakash, Adv.
Mr. Pushkar Prehar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The special leave petitions are dismissed.

Pending application(s), if any, stand disposed of.

(DEEPAK MANSUKHANI)
AR CUM PS

(RAJINDER KAUR)
COURT MASTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 6381/2018

(Arising out of impugned final judgment and order dated 20-07-2018
in BA No. 2378/2017 passed by the High Court Of Delhi At New Delhi)

SUNIL MEHRA

Petitioner(s)

VERSUS


THE STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 10-08-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE VINEET SARANFor Petitioner(s) Mr. H. K. Chaturvedi, AOR
Mr. Sagar Chaturvedi, Adv.
Mr. R.K. Thakur, Adv.For Respondent(s) Mr. Mohit Mathur, Sr. Adv.
Mr. Ravi Sikri, Sr. Adv.
Mr. Aman Sareen, Adv.
Mr. Hanmeet Singh, Adv.
Mr. Aldanish Rein, AORUPON hearing the counsel the Court made the following
O R D E RAfter arguing the matter for some time, learned counsel
for the petitioner seeks leave to withdraw the special leave
petition. The special leave petition is dismissed as withdrawn.Signature: (SUNIL MEHRA)
Digitally signed by SUNIL MEHRA
Date: 2018.08.11
11:09:24 IST
Reason:  COURT MASTER (SH)(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

ITEM NO.7

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 36005/2017

(Arising out of impugned final judgment and order dated 31-07-2017 in SA No. 446/2017 passed by the High Court Of Uttarakhand At Nainital)

THE NEW INDIA ASSURANCE CO. LTD. & ORS.

Petitioner(s)

VERSUS

ARVIND KUMAR CHAUDHARY

Respondent(s)

(FOR ADMISSION and I.R. and IA No.6848/2018-CONDONATION OF DELAY IN FILING and IA No.6851/2018-CONDONATION OF DELAY IN REFILING)

With

SLP(C)No. 3686 of 2007Civil Appeal No. 2463 of 2015

Date : 23-07-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Saurabh Prakash, Adv.
Mr. Shekhar Kumar, AOR

For Respondent(s) Mr. H. K. Chaturvedi, AOR
Mr. Sagar Chaturvedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) Diary No(s). 36005/2017

Heard learned counsel for the petitioner.

Delay condoned.

Though learned counsel for the petitioner has made a persuasive attempt to re-visit the *National Insurance Company Ltd. Vs. Kirpal Singh reported in 2014 (5) SCC 189*, we are not inclined to consider those contentions as the same are already taken care of in Kirpal Singh (supra).

The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of.

SLP(C)No. 3686 of 2007 and Civil Appeal No. 2463 of 2015

Taken on Board.

List these matters on Friday i.e.27th July, 2018.

(MADHU BALA)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1424 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 3331 OF 2018]

SHRI RAM MURTI SINGH

Appellant(s)

VERSUS

BRIJESH SINGH & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is before this Court, aggrieved by the order dated 30.03.2018 passed by the High Court of Judicature at Allahabad in Criminal Misc. 2nd Bail Application No. 44781 of 2015, whereby the High Court granted bail to the first respondent, who is Accused No. 2 in Case Crime No. 284 of 2013, registered under Sections 147, 148, 149, 302, 34 & 120B IPC and under Section 7 of Criminal Law Amendment Act, Police Station Meja, District Allahabad.

3. Having gone through the impugned order, we are disturbed to note that there is no proper application of mind on the part of the learned Judge. The High Court, in the impugned Judgment, has held as under :-

*“Without expressing any opinion on
the merits of the case and*

considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case."

4. Obviously, the considerations recorded by the learned Judge are good enough for denial of bail and yet the learned Judge has granted the bail.

5. Be that as it may, the learned senior counsel appearing for the first respondent submits that he has been in custody since 08.08.2013. But we are informed by the prosecution that the trial has not yet been concluded. Mr. Pramod Swarup, learned senior counsel appearing for the State, submits that only 3 out of 13 witnesses have been examined. Therefore, we set aside the order dated 30.03.2018 and dismiss the application for bail. However, we make it clear that after the conclusion of the trial, it will be open to the first respondent to renew his application for bail before the trial court, in which case, the same will be considered on its own merits.

6. In view of the above, the appeal is disposed of. We direct the trial court to conclude the trial as expeditiously as possible and preferably, within four months.

7. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[DEEPAK GUPTA]

.....J.
[HEMANT GUPTA]

New Delhi;
November 20, 2018.

ITEM NO.102

COURT NO.2

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2463/2015

ASSISTANT GENERAL MANAGER & ORS.

Appellant(s)

VERSUS

RADHEY SHYAM PANDEY

Respondent(s)

[TO GO BEFORE THREE HONBLE JUDGES]

WITH

C.A. Nos. 2287-2288/2010 (IV)

C.A. Nos. 5035-5037/2012 (XVI)

C.A. No. 10813/2013 (III-A)

SLP(C) No. 3056/2017 (XV)

(I.A. No. 49301/2017-APPROPRIATE ORDERS/DIRECTIONS)

S.L.P.(C)...CC No. 1864/2017 (XV)

(I.A. No. 49234/2017-CLARIFICATION/DIRECTION)

S.L.P.(C)...CC No. 1912/2017 (XV)

(I.A. No. 49238/2017-CLARIFICATION/DIRECTION)

SLP(C) No. 36937/2017 (XIV)

(IA 110471/2018-DISMISSAL OF SLP)

Date : 20-02-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Mr. N.K. Kaul, Sr. Adv.

Mr. Sanjay Kapur, AOR

Mr. Bharath Gangadharan, Adv.

Mr. Megha Karnwal, Adv.

Mr. Kauser Husain, Adv.

Mr. Sanjay Hegde, Sr. Adv.

Mr. Rajat K., Adv.

Ms. Rajyalakshmi Kaushik, Adv.

Mr. Vivek Kishore, AOR

For Respondent(s)

Mrs. K. Sarada Devi, AOR

Mr. Kamini Jaiswal, AOR

Mr. Rajesh Kumar-I, Adv.

Mr. Anand Gautam, Adv.

Ms. Shruti Vats, Adv.

Ms. Khushboo Aggarwal, Adv.

Mr. Debayan Banerjee, Adv.

Mr. Anmol Mehta, Adv.

M/S. Mitter & Mitter Co., AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Saksham Maheshwari, Adv.

Mr. Hari Shankar Jain, Adv.

Mr. Vishnu Shankar Jain, AOR

Mr. Pankaj Kumar Verma, Adv.

Ms. Pooja Singh, Adv.

Mr. Aishwarya Bhati, AOR

Ms. Vaidruti Mishra, Adv.

Ms. Tanuja Patra, Adv.

Mr. H. K. Chaturvedi, AOR

Mr. Sagar Chaturvedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

S.L.P. (C) No. 3056/2017, S.L.P.(C)..CC No. 1864/2017, S.L.P.
(C)..CC No. 1912/2017 and S.L.P.(C) No. 36937/2017:

Delay condoned.

After hearing the arguments of learned counsel for the parties for some time, we are of the firm view that these matters are squarely covered by the judgment of this Court in National Insurance Company Ltd. vs. Kirpal Singh, 2014 (5) SCC 189. We find that the High Courts in the impugned judgment(s) have relied upon the aforesaid judgment only in granting the benefits to the respondents herein.

Mr Sanjay Hegde, learned senior counsel appearing for the petitioners, has endeavoured to argue that the case of Kirpal Singh (supra) needs to be reconsidered. Such an attempt was made earlier also by identically situated Insurance Company, in S.L.P.(C) Diary No. 36005/2017 and was rejected by the Court in the following words:

"Though learned counsel for the petitioner has made a persuasive attempt to re-visit the National Insurance Company Ltd. vs. Kirpal Singh reported in 2014 (5) SCC 189, we are not inclined to consider those contentions as the same are already taken care of in Kirpal Singh (supra).

The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of."

We, therefore, do not find any substance in these Special Leave Petitions which are, accordingly, dismissed.

Pending applications, if any, stand disposed of.

C.A. No. 2463/2015, C.A. Nos. 2287-2288/2010, C.A. Nos. 5035-5037/2012 and C.A. No. 10813/2013:

List the matters next week.

(SUSHIL KUMAR RAKHEJA)
AR-CUM-PS

(RAJINDER KAUR)
BRANCH OFFICER

ITEM NO.18

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 26397/2018

BAHADUR

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 11-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY
[IN CHAMBERS]

For Petitioner(s)

Mr. Sagar Chaturvedi, Adv.
Mr. H. K. Chaturvedi, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

It is submitted to learned counsel for the petitioner submits that the petitioner has been released from jail on 26.01.2019. He does not want to pursue the matter.

Registry to take appropriate steps for listing of the matter before the Court.

Signature Not Verified
Digitally signed by
RACHNA
Date: 2019.02.15
16:50:00 IST
Reason: 

(POOJA CHOPRA)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

ITEM NO.7

COURT NO.6

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9667/2017
(Arising out of impugned final judgment and order dated 22-06-2016
in RSA No.384/2011 passed by the High Court of Orissa at Cuttack)

KUNI MOHANTY

PETITIONER(S)

VERSUS

UPENDRA BARIK & ORS.

RESPONDENT(S)

Date : 26-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr.H.K. Chaturvedi, AOR
Mr.Sagar Chaturvedi, Adv.
Mr.Binod Kumar Singh, Adv.

For Respondent(s)

Mr.Pulkit Tare, Adv.
Mr.D.Kumanan, Adv.
Ms.Swati Vaibhav, Adv.
Mr.Suvendu Suvasis Dash, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard.

The special leave petition is dismissed.

Pending applications, if any, stand disposed of.

(Ashok Raj Singh)
Court Master

(Chander Bala)
Court Master