

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MISC. APPLICATION No.1712 of 2018

WITH

INTERLOCUTORY APPLICATION NO.38501/2018

IN

MISC. APPLICATION No.711 of 2017

IN

CIVIL APPEAL No.4482 OF 1998

Rajeshwar Mahto

....Appellant(s)

VERSUS

Alok Kumar Gupta, G.M.
M/s Birla Corporation Ltd.

...Respondent(s)

J U D G M E N T

Abhay Manohar Sapre, J.

1. We heard Mr. Rajeshwar Mahto-applicant/appellant appeared-in person and also heard Ms. N.Annapoorani, learned counsel appointed by Supreme Court Legal services

Committee to assist the applicant in support of his applications.

2. These two aforementioned applications arise out of Civil Appeal No. 4482 of 1998 and M.A. No. 711/2017 decided by this Court's detailed order dated 23.02.2018.

3. By detailed order dated 23.02.2018, this Court disposed of Misc. Application No. 711/2017 and Contempt Petition No.785/2018 in C.A. No.4482 of 1998 and gave relief to the applicant which reads as under:

“27. On applicant's vacating the quarter within the time fixed by this Court, the Corporation will accordingly pay to the applicant Rs.7,50,000/- by demand draft within one week from the date of vacating the quarter.

28. With these directions, the contempt petition stands disposed of. Rule Nisi, if issued, stands discharged against the alleged contemnor.”

4. Now it appears that the applicant is not satisfied with the grant of the aforesaid monetary relief to him and, therefore, he has again filed these applications.

5. In substance, the applicant wants more money than what was awarded to him by this Court's order dated 23.02.2018. From his oral submissions, what we could gather is that he now claims towards his salary etc. more than one crore or so whereas we have awarded to him Rs.7,50,000/- in full and final satisfaction of his total service claim.

6. He had also filed application for modification against the order dated 23.02.2018.

7. We have perused the applications carefully with a view to find out as to whether our order dated 23.02.2018 requires any further modification

so as to grant to the applicant more than what we have granted already (Rs.7,50,000/-) .

8. Having perused, we find ourselves unable to accept the applicant's prayer made in these applications and also in his submissions. In our opinion, the prayer made by the applicant has no factual and legal basis.

9. The order dated 23.02.2018 is quite a reasoned order wherein this Court has taken into consideration the entire factual and legal aspects of the case, all previous orders passed in the main case out of which the contempt petition arose, the effect and consequences of the orders passed in the matters, applicant's monthly emoluments, his length of service period, and all his other legal entitlements payable under various heads and then worked out the final figure of Rs.7,50,000/- for being paid to him by his employer.

10. There is no error much less apparent error in the order dated 23.02.2018 which may persuade us to further modify and award more money than what was awarded to the applicant. The applicant has to be now satisfied with the order dated 23.02.2018.

11. The applicant, in his submission, mainly urged one issue that he needs money for the marriage of his daughter. If that be the position then the amount of Rs.7,50,000/- can be used by him for performing the marriage of his daughter.

12. With these observations, the applications made by the applicant and which are listed today are dismissed.

13. We finally grant three months' time to the applicant to vacate the quarter, which he has still continued to occupy, and accept the amount of Rs.7,50,000/- from his employer (respondents herein) in terms of the order dated 23.02.2018.

.....J.
(ABHAY MANOHAR SAPRE)

.....J.
(MOHAN M. SHANTANAGOUDAR)

New Delhi,
September 24, 2018