

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS.4 & 5 OF 2009
IN
CIVIL APPEAL NO.5058/2009

STATE OF M.P.& ORS.

....Appellants

VERSUS

RAMESH CHANDRA BAJPAI

....Respondent/
Applicant

O R D E R

This is an application by the respondent in Civil Appeal No.5058/2009 for clarification/modification of judgment dated 28.7.2009 and issue of a direction to the State of Madhya Pradesh to release the amount payable to the applicant in terms of order dated 20.8.2009 (wrongly typed in the prayer clause as Circular dated 20.8.2008).

A perusal of order dated 20.8.2009 shows that in compliance of order dated 4.1.2008 passed by the Division Bench of the High Court of Madhya Pradesh in Writ Appeal No.201/2006 and order dated 18.12.2008 passed in Contempt Petition No.367/2008, sanction was accorded by the State Government for fixation of the applicant's pay in the UGC pay scale of Rs.8000-275-13500/- with a clear stipulation that sanction will be subject to the final order passed by this Court in SLP(C) No.25682/2008.

Since this Court has reversed the order passed by the Division Bench of the High Court, the applicant cannot seek a direction for implementation of order dated 20.8.2009 and we do not find any valid ground to modify the judgment of this Court or issue a clarification which may entitle the applicant to claim benefit of the order passed in compliance of the direction given by the High Court.

With the above observations, the application is dismissed.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
JANUARY 22, 2010.
ITEM NO.2

COURT NO.12

SECTION IV

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

IA 4 & 5/2009 in CIVIL APPEAL NO. 5058 OF 2009

STATE OF M.P.& ORS.

Appellant (s)

VERSUS

RAMESH CHANDRA BAJPAI

Respondent(s)

(For clarification/modification of court's order)

Date: 22/01/2010 This Application/Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. S.K. Dubey, Sr. Adv.
Mr. Naveen Sharma, Adv.
For Mr. B.S. Banthia, A.O.R.

For Respondent(s) Mr. Fakhruddin, Sr. Adv.
Mr. Nitin S. Tambwekar, Adv.
Mr. B.S. Sai, Adv.
Mr. K. Rajeev, Adv.

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

This is an application by the respondent in Civil Appeal No.5058/2009 for clarification/modification of judgment dated 28.7.2009 and issue of a direction to the State of Madhya Pradesh to release the amount payable to the applicant in terms of order dated 20.8.2009 (wrongly typed in the prayer clause as Circular dated 20.8.2008).

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Contd...2/-

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Since this Court has reversed the order passed by the Division Bench of the High Court, the applicant cannot seek a direction for implementation of order dated 20.8.2009 and we do not find any valid ground to modify the judgment of this Court or issue a clarification which may entitle the applicant to claim benefit of the order passed in compliance of the direction given by the High Court.

With the above observations, the application is dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)