

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 14589 OF 2024

SHIV CHARAN DAS

APPELLANT

VERSUS

TATA COMMUNICATIONS LTD. & ORS.

RESPONDENTS

ORDER

1. Appellant's service was terminated by his employer. He claimed reinstatement in service by instituting a suit¹ in the Court of the Civil Judge, Bhopal, Madhya Pradesh. Upon the employer filing an application under Order VII Rule 11, Code of Civil Procedure, 1908², the plaint came to be rejected on the ground that Section 14(1)(b) of the Specific Relief Act, 1963 was a bar to grant of such relief. The impugned order of the High Court of Madhya Pradesh upheld such order of rejection of plaint.

2. Having heard Mr. Romy Chacko, learned senior counsel for the appellant/plaintiff and Mr. Balbir Singh, learned senior counsel for the respondents/defendants, we are of the view that since a contract of

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BORRA LM VALLI
Date: 2025.09.25
14:15:48
Reason: 

1 Civil Suit No.205-A/2016
2 CPC

personal service cannot be specifically enforced, the relief of reinstatement in service could not have been claimed by the appellant; to that extent, the High Court is right. However, had the appellant claimed the relief of damages, the suit would be maintainable and the plaint not liable to rejection. Mr. Chacko submits that since the application for rejection of plaint came to be allowed, he did not have the opportunity to seek amendment of the plaint.

3. Be that as it may, while setting aside the impugned orders of the trial court and the High Court and reviving the appellant's suit, we dispose of the appeal granting liberty to the appellant to seek amendment of the plaint by filing an application under Order VI Rule 17, CPC within four weeks from date.

4. If the proposed amendment is confined to amending the prayer clause in the plaint by inserting the relief of damages, instead and in place of reinstatement, with necessary averments in the body of the plaint to support a right to claim such relief, the trial court may allow the prayer for amendment.

5. As and when the application for amendment is allowed, the defendant(s) shall be granted time to file written statement/additional written statement.

6. Upon the pleadings being exchanged, the suit shall be taken to its logical conclusion by the trial court in accordance with law.

7. If no application for amendment is filed by the appellant within

four weeks, this order shall stand recalled and the orders of the trial court and the High Court restored.

8. The appeal is disposed of on the aforesaid terms, along with connected interlocutory applications, if any, keeping all points and contentions on merits open.

....., J.
[DIPANKAR DATTA]

....., J.
[SHEEL NAGU]

**NEW DELHI;
SEPTEMBER 16, 2026.**

ITEM NO.104

COURT NO.5

REVISED
SECTION III

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

CIVIL APPEAL NO(S).14589/2024

SHIV CHARAN DAS

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VERSUS

TATA COMMUNICATIONS LTD. & ORS.

RESPONDENTS

Date : 16-09-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) : Mr. Romy Chacko, Sr. Adv.
Mr. Girijesh Pandey, Adv.
Mr. Ajay Kumar Tiwari, Adv.
Ms. Alpana Pandey, Adv.
Mr. Sohan Lal Adak, Adv.
Mr. Dharmendra Kumar Pandey, Adv.
Mr. Avanish Kumar Pandey, Adv.
Mr. Sriram P., AOR

For Respondent(s) : Mr. Balbir Singh, Sr. Adv.
Mr. Naman Tandon, Adv.
Ms. Shiavli Shah, Adv.
Mr. Ketan Gaur, Adv.
Mr. Aayush Mitruka, Adv.
Mr. Neil Chatterjee, Adv.
Mr. Abhinav Srivastava, Adv.
Ms. Ria Bansal, Adv.
Mr. Jasmeet Singh, AOR

Mr. Vikramjit Banerjee, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Apoorv Kurup, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Amrish Kumar, AOR
Mr. Dr Arun Kumar Yadav, Adv.

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

**Civil Appeal is disposed of in terms of the
signed order.**

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

**(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**

(CORRECTED SIGNED ORDER IS PLACED ON FILE)

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2. Having heard Mr. Romy Chacko, learned senior counsel for the appellant/plaintiff and Mr. Balbir Singh, learned senior counsel for the respondents/defendants, we are of the view that since a contract of personal service cannot be specifically enforced, the relief of reinstatement in service could not have been claimed by the appellant;

3 Civil Suit No.205-A/2016

4 CPC

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