

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.475-476 OF 2010

(Arising out of S.L.P. (C) Nos.31376-31377 of 2008)

Nantu Ranjan Paul

...Appellant(s)

Versus

Steel Authority of India Ltd. & Ors.

...Respondent(s)

O R D E R

Leave granted.

These appeals are directed against the judgment of the Division Bench of the High Court of Calcutta in F.M.A. No.481 of 2003 and F.M.A. No.482 of 2003 dated 17th June, 2008.

The brief facts which are necessary in these two appeals are recapitulated as under:

The appellant, posted as Deputy Manager (Finance) under Durgapur Steel Plant and discharging function of an Assistant Manager (Finance) in relation to the miscellaneous work of Bill Section of Finance and Accounts Branch, was charged with the alleged misconduct of passing false bills. The Inquiry Officer on 31st March, 1993, found that the charge of lack of integrity and devotion to duty brought against the appellant was not proved. However, the Inquiry Officer found that the charge pertaining to negligence of duty on the part of the appellant and also acting in the manner prejudicial to the interest of the company was proved. Based on the

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finding of the Inquiry Officer dated 31st March, 1993, in respect of the charges, the Disciplinary Authority directed the appellant to suffer reduction to a lower stage in a time scale. Aggrieved, the appellant preferred an appeal before the Chairman (SAIL).

The Additional Chief Vigilance Officer, Durgapur Steel Plant vide order dated 8th January, 1994, rejected the appeal. The appellant assailed the order of the Disciplinary Authority dated 14th June, 1993, and rejection order dated 8th January, 1994, preferred Writ Petition No.5360 of 1994 in the High Court of Calcutta.

On 13th April, 1994, a similar charge was issued to the appellant for two bills almost for the same period, i.e., 1984 to 1987, namely, failed to maintain absolute integrity. The second Inquiry Officer found the appellant to be guilty of acting in a manner prejudicial to the interest of the company and failing to maintain devotion of duty but the appellant was, however, not found guilty to maintain absolute integrity so far as second charge is concerned. The Disciplinary Authority directed the appellant to suffer reduction to a lower post. In this matter also, the appellant preferred an appeal before the Chairman (SAIL), which was dismissed later on.

The appellant preferred writ petition before the Calcutta High Court being C.O. No.6493 of 1995. Both the writ petitions were heard by the learned Single Judge and on 9th October, 2002, these writ petitions were allowed holding the imposition of major penalty as illegal and the same was set aside. The learned Single Judge further directed the respondents to give the appellant all service benefits of backwages as if no order of major penalty was imposed upon him.

The respondents, being aggrieved by the judgment of the learned Single Judge, preferred two appeals before the Division Bench. The Division Bench party allowed both F.M.A. No.481 of 2003 and F.M.A. No.482 of 2003 by directing:

- (a) F.M.A. No.481 of 2003 was partly allowed by directing the appellant's C.O. No.6493(W) of 1995 to be heard afresh by the learned Single Judge at the earliest; and
- (b) F.M.A. No.482 of 2003 was partly allowed whereby the reduction in the scale of pay of the appellant was maintained. Only reduction with cumulative effect was deleted.

The appellant preferred these appeals by way of special leave petitions against the judgment of the Division Bench.

The Division Bench remitted the matter to the learned Single Judge to be heard afresh and according to the Division Bench, the learned Single Judge ought to have given separate judgment dealing with each and every issue raised by the parties.

We find no serious infirmity with the impugned judgement of the Division Bench. However, the appellant has been facing inquiry and Court proceedings for almost twenty five years and at this stage remitting the matter to the learned Single Judge would be very harsh to the appellant.

On consideration of the totality of the facts and circumstances and in the interest of justice, we direct that, instead of withholding of two increments, three increments be withheld which should meet the ends of justice. In that view of the matter, we set aside only that part of the judgement by which it has been remitted to the learned Single Judge. We have passed this order primarily to avoid, avoidable litigation which may take several years before it is finally

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adjudicated. We, accordingly, put a quietus to the entire dispute after balancing the equities.

The appeals are, accordingly, disposed of.

The parties to bear their own costs.

.....J.
[DALVEER BHANDARI]

.....J.
[ASOK KUMAR GANGULY]

New Delhi,
January 19, 2010.

