PETITIONER:

DEBARAJ PADHI & OTHERS

Vs.

RESPONDENT:

STEEL AUTHORITY OF INDIA LIMITED & OTHERS

DATE OF JUDGMENT14/09/1995

BENCH:

VERMA, JAGDISH SARAN (J)

BENCH:

VERMA, JAGDISH SARAN (J)

VENKATASWAMI K. (J)

CITATION:

1995 SCC (6) 41 1995 SCALE (5)290 JT 1995 (9) 521

ACT:

HEADNOTE:

JUDGMENT:

ORDER

K. VENKATASWAMI, J.

These two special leave petitions are preferred against the common judgment and order in e.j.c. Nos. 263 and 879 of 1991 dated 13.9.1993 passed by the High Court of Orissa at Cuttack.

The petitioners who were unsuccessful before the High Court are the employees of Rourkela Steel Plant. Being aggrieved by the promotion policy and rules of Steel Authority of India Limited (hereinafter referred to as the 'SAIL') as adopted in the year 1986 superseding the earlier policy holding the field, they challenged the same before the High Court. Incidentally they also challenged the promotions made on the basis of the impugned promotion policy. Be it noted, it does not appear from the judgment of the High Court that there was any challenge of promotion given to private opposite parties individually.

Before the High Court several contentions were raised challenging the impugned promotion policy. However, the learned Judges while upholding the promotion policy impugned before them made certain directions in paragraph 12 and observations in paragraphs 15 and 19 of their judgment.

Mr. P.P. Rao, learned Senior Counsel appearing for the petitioners, in view of the directions in paragraph 12 and observations made in paragraphs 15 and 19 of the High Court judgment, fairly stated before us that he is not challenging the legality and validity of the impugned promotion policy. Nevertheless he wanted to challenge the promotions given to respondents 4 to 17 in one Special Leave Petition and 4 to 31 in other/second Special Leave Petition. When we pointed out that no such individual challenge to promotion of the above mentioned respondents was made before the High Court and in view of the fact that there is no challenge to the promotion policy before us, there is no scope for such contention, the learned counsel submitted that before the

High Court the promotions were also challenged. As we stated earlier, promotions as a whole were challenged on the ground that promotion policy impugned before the High Court was illegal, arbitrary and liable to be struck down. If that basis does not now survive in view of the directions given by the High Court, there does not remain any serious challenge to individual promotions given to the respondents mentioned above.

We may also point out that in view of the fact that individual promotions were not challenged, presumably the concerned respondents did not appear before the High Court as well as in this Court in spite of notice. Further we find from the judgment of the High Court that the learned Judges have gone into the documents made available before them and recorded a finding as follows:-

"From what has been stated above, we are satisfied that the SAIL has taken all efforts humanly possible to see that a true appraisal is made of an executive before he is promoted from the post of Assistant Manager to Deputy Manager."

In view of the above finding and in the absence of any other material to hold otherwise, we do not think there is any cause for interference.

In the result, the Special Leave Petitions fail and are, accordingly, dismissed.

