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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3547/2018 & CM Appl.No. 14011/2018**

STEEL AUTHORITY OF INDIA LIMITED Petitioner
Through Mr. Digvijay Rai and Mr. Aman
Yadav, Advocates with Mr. Ashwani
Bhalla, Assistant Manager and
Mr. Nikhil Kumar, Officer
(Law)/SAIL

versus

BRIJ MOHAN MITTAL Respondent
Through None

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **13.02.2020**

1. This petition by the Steel Authority of India Limited (SAIL) is directed against an order dated 3rd July, 2017 passed by the Central Administrative Tribunal (CAT), Principal Bench in TA No. 42/2015 filed by the Respondent.

2. The genesis of the application before the CAT was that the Respondent was working as Junior Manager (CC &C) SAIL, Scope Minar, New Delhi and issued a show cause notice (SCN) dated 10/25th March, 2003 alleging unauthorised absence, misbehaviour with the superiors etc. The admitted position is that the Respondent did not reply to the said SCN. He stated to have been verbally counselled by his immediate superior.

3. As he was on probation for one year from 11th July, 2002 to 10th January, 2003, the Respondent's probation was extended by SAIL for a period of three months by an order dated 22nd January, 2003.

4. The Respondent requested SAIL to withdraw the SCN by a letter dated 26th July, 2003. For about five years nothing happened on this request. Strangely even SAIL did not take the next logical step after issuing the SCN for over five years. The Respondent then sent reminders on 1st and 22nd July, 2008. When nothing still happened the Respondent first filed a Civil Suit No. 610/2008 in the Court of the Senior Civil Judge, Tis Hazari Courts for a declaration that both the SCN as well as the letter dated 22nd January 2003 extending his probation were bad in law.

5. A preliminary objection was raised in the said suit that the reliefs claimed were barred by limitation. The Senior Civil Judge by an order dated 3rd August, 2010 agreed that the relief of declaration *vis-a-vis* the SCN was barred by limitation. On the aspect whether the suit was still barred by limitation *vis-a-vis* the relief claimed against the order dated 22nd January, 2003 the suit was set down for evidence. At that stage the said suit stood transferred to the CAT and was re-numbered as TA No. 42/2015.

6. The CAT has in the impugned order agreed with SAIL that the Respondent ought to have replied to the SCN. Significantly the CAT observed that by counselling the Respondent SAIL had in fact put a quietus to the issue. Since no action in fact was taken by SAIL pursuant to the SCN the CAT directed SAIL to withdraw the said SCN as also the order dated

22nd January, 2003.

7. Considering the fact no action in fact was taken by SAIL pursuant to the SCN for more than five years thereafter and in the meanwhile the Respondent continued in service, was granted promotions and has been working uninterruptedly, the Court sees no purpose being served in keeping the SCN alive. Even *vis-a-vis* the order dated 22nd January, 2003 the Court sees no reason to interfere with the order of the CAT.

8. There is no basis for the SAIL to have any apprehension that the impugned order of the CAT, which is obviously in the peculiar facts of the case, would constitute a precedent.

9. With the above observations, the petition is dismissed. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 13, 2020

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