

ITEM NO.13 Court 6 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15671-15673/2020

(Arising out of impugned final judgment and order dated 19-02-2020 in WA No. 674/2009, WA No. 622/2009 and WA No. 530/2009 passed by the High Court of M.P. Principal Seat at Jabalpur)

COAL INDIA LTD

Petitioner(s)

VERSUS

A.K. SHUKLA & ORS.

Respondent(s)

(WITH I.R.)

Date : 12-01-2021 These petitions were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Dr. Harsh Pathak, Adv.
 Ms. Shaveta Mahajan, AOR
 Mr. Arvind Chopra Adv.
 Mr. Mohit Choubey, Adv.
 Mr. Siddhartha Shukla Adv.

For Respondent(s)

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

- 1 The Special Leave Petitions are directed against an order of the High Court of Madhya Pradesh dated 19 February 2020, confirming an order of the Single Judge in writ appeals. The High Court has directed that the first respondent be given his promotion from the date of the first order of promotion with effect from 11 June 1996, with seniority and all benefits.

- 2 At this stage, it may be necessary to note that in the order of promotion dated 20 April 1998, the first respondent was given notional seniority with effect from 31 March 1997.

- 3 Having regard to the limited nature of the issue which was raised before the High Court and which has been answered in the above terms, we are not inclined to interfere with the order of the High Court, particularly since we have been informed that apart from the first respondent no other employee has laid a challenge.
- 4 The submission of Dr Harsh Pathak, learned counsel appearing on behalf of the petitioner, is that there is a Circular of the petitioner dated 16 November 1984 (Annexure P-1) which provides the manner in which the assessment of an employee for promotion will be determined. The Circular provides for allocation of marks on the basis of (i) qualifications; (ii) experience; (iii) ACRs; (iv) written test; and (v) interview. The written test is to carry 40 marks and the Circular indicates that the qualifying marks in the written test would be 40% and the marks actually obtained by each candidate would be converted to 40% for the purpose of selection. The apprehension is that the observations contained in the impugned order of the High Court may affect the interpretation of the Circular in other cases which may arise in the future.
- 5 All that we need to clarify is that we have declined to interfere with the order of the High Court having regard to the limited nature of the controversy and the impugned order of the High Court shall not be construed as an expression of a conclusive opinion on the interpretation of the Circular dated 16 November 1984.
- 6 Subject to the aforesaid, the Special Leave Petitions are disposed of.
- 7 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER