

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

**CIVIL APPEAL NO. /2026
@ SLP (C) NO.21461/2023**

RAJIV CHANDRA JHA

APPELLANT(S)

VERSUS

STEEL AUTHORITY OF INDIA LTD. & ORS.

RESPONDENT(S)

WITH

**CIVIL APPEAL NO. /2026
@ SLP (C) NO. /2026
@ DIARY NO.48145/2023**

**CIVIL APPEAL NO. /2026
@ SLP (C) NO. /2026
@ DIARY NO.18540/2024**

**CIVIL APPEAL NO. /2026
@ SLP (C) NO. /2026
@ DIARY NO.18962/2024**

O R D E R

- 1.** Heard.
- 2.** Leave granted.
- 3.** By the impugned order(s), the High Court has confirmed the order of the Tribunal, which in turn confirmed the order of termination

of the appellants herein.

4. Facts in brief, which has led to the filing of the present appeals, can be concised as under:

(i) Pursuant to the advertisement which was issued for appointment to the post of Mobile Equipment Operator (MEO) and Heavy Vehicle Driver (HVD), the appellants herein appeared for the written examination and after successfully clearing the exam, they joined the service on completion of training.

(ii) Based on a complaint said to have been received alleging that the appellants herein had not appeared in the examination and third parties had sat for the examination, the employer, namely the respondent(s) herein, called for the specimen signatures of the appellants. The Vigilance Department obtained their signatures, and the same was forwarded to the Central Forensic Science Laboratory (CFSL), who opined that the signatures vary when same was compared with the signatures of appellants affixed in the counterfoils of examination papers. In other words, it was opined that the specimen signatures did not match with the signatures found on the counterfoil of the examination material. Hence, chargesheet came to be issued by the disciplinary authority and after considering the statement of defense, the inquiry was proceeded with and the Inquiry Officer submitted a report opining that the charges were not proved.

(iii) The disciplinary authority, disagreeing with the finding of the Inquiring Officer, issued a notice to the appellants enclosing the inquiry report to which a reply came to be submitted by the appellants and after considering the same, for the reasons indicated in the termination order, the disciplinary authority disagreed with the inquiring authority and terminated the services of the appellants. The said matter was carried by filing an application before the Central Administrative Tribunal (CAT), which affirmed the finding of the disciplinary authority and dismissed the application. The said orders of the Tribunal received the approval of the High Court. Hence, the present appeals.

5. Having heard the learned counsels appearing for the parties *in extenso*, it requires to be noticed at the outset that appellants herein were sought to be appointed as Heavy Vehicle Drivers and Mobile Equipment Operators who had limited literacy, or in other words, it can be safely concluded that they were not worldly-wise. It is to be further noticed that for three long years from the date of joining into service after completion of successful training, there was no embargo on the part of the respondent(s) authority to initiate any proceedings against the appellants for allegedly not having appeared for the written examination or some other person had impersonated them. It is only at the instance of a third party, namely, a complaint having been

lodged, which ignited the authorities to initiate proceedings against the appellants.

6. As rightly pointed out by the Inquiry Officer, the imputation of charges itself is self-destructive. We say so for the simple reason that in paragraph No.2 of the statement of imputation, the disciplinary authority notes that appellants were present in the examination hall, and in the same breath, namely, in the next paragraph, they allege or contend that they had not appeared in the written examination.

7. Be that as it may, the fact remains that Inquiry Officer, after evaluating the entire evidence that was tendered before him and on appreciation of the totality of circumstances, arrived at a conclusion that management had failed to prove the charges levelled against the appellants. Thus, heavy burden was cast on the disciplinary authority to disagree with the same. As could be seen from the termination order, the sole ground on which the Inquiry Officer's finding came to be turned upside down was on the basis of the CFSL report.

8. The CFSL report, which also came to be marked during the course of inquiry, would indicate that the specimen signatures stamped and marked as S10.1 to 10.10, and the signatures found on the counterfoils of examination paper marked as A10 'did not write the red enclosed signature similarly stamped and marked Q10'. In the opinion at serial No.11, it has been opined as under:

"It has not been possible to express any definite opinion on the questioned writings marked A1 as the specimen signatures have been written in different pattern."

9. It is a common feature that the signatures obtained after over a period of time is likely to vary or change, both in the manner, mode, method, and stroke. When the charge memo relies upon heavily on the CFSL report, the initial burden was on the person who propounds the document to prove the same. Thus, it was incumbent upon the employer to have examined the CFSL Expert who has furnished the report.

10. Even otherwise, the appellants herein being barely educated, or in other words, not so educated, would definitely affix their signatures at different point of time in a different pattern. It is for this precise reason, the findings recorded by the Inquiry Officer attains utmost importance.

11. As noticed hereinabove and at the cost of repetition, the disciplinary authority seems to have been swayed by the opinion of CFSL, ignoring the overwhelming oral evidence that was available on record namely the independent witnesses who were examined on behalf of delinquent employees had categorically stated about the presence of appellants in the examination hall. There was no other material available before the disciplinary authority to dis-credit their oral testimony. On the other hand, the burden being on the employer to prove absence of the appellants in the examination hall was not

discharged in any manner or at least by examining the invigilator who was present on that day while the examination was being conducted they could have established the appellants' absence. In the absence thereof, the finding recorded by the Inquiry Officer could not have been displaced by the disciplinary authority that too on the ground that oral testimony of independent witnesses who were present in the examination hall cannot be eschewed. Hence, we are of the considered view that the finding recorded by the Tribunal and affirmed by the High Court on the basis of the said finding recorded by the disciplinary authority would not stand the test of reasoning.

12. At this juncture, the learned counsel appearing for the respondent(s) would vehemently contend that the appellants who have approached this court belatedly ought not to be granted any relief as the delay is attributable to them, and they being the fence-sitters, no equitable relief should be granted by this court.

13. Though the said argument of the learned counsel appearing for the respondent(s) at first blush looks attractive, we are not inclined to accept the same for reasons more than one:

Firstly, no litigant would stand to benefit in approaching the court belatedly. This court, in the case of ***Collector, Land Acquisition, Anantnag & Anr. Vs. Mst. Katiji & Ors., reported in AIR 1987 SC 1353*** in paragraph No.4, has stated as under:

“4. When substantial justice and technical considerations are pitted against each other, cause of

substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.”

14. Keeping the aforestated sound principles laid down by this court, we are of the considered view that the delay deserves to be condoned. Secondly, we cannot lose sight of the fact that appellants not being worldly wise certain amount of latitude deserves to be exempted to them. Hence, delay is hereby condoned. However, at the same time, when we look into the equities, it would not detain us for too long to hold that the appellants, in Civil Appeals @ Diary Nos.48145/2023, 18540/2024 and 18962/2024, who have approached the court after one year, one and a half year and four years respectively, would not be entitled to the relief of backwages. To that extent, we hold they would not be entitled to the backwages. The principle of no work, no pay would also apply. Whereas, appellant – Rajiv Chandra Jha in Civil Appeal @ SLP (C) No.21461/2023, who has been espousing his cause rightly before all the forums, would be entitled to backwages on being reinstated, which we hereinafter order, as he has been espousing his cause throughout. However, we make it clear that he would be entitled only for wages of 25% towards backwages.

15. For the reasons aforestated, the appeals are hereby allowed. The impugned orders are hereby set aside. Appellants are ordered to be reinstated into service with continuity of service notionally for the purposes of promotion and retiral benefits and we make it clear that

appellant – Rajiv Chandra Jha in Civil Appeal @ SLP (C) No.21461/2023 in addition would be entitled to 25% backwages. Their reinstatement shall be made within an outer limit of three months from today and 25% backwages to the appellant – Rajiv Chandra Jha in Civil Appeal @ SLP (C) No.21461/2023 shall be paid within three months from today.

16. No order as to costs. All pending applications stands consigned to records.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

**NEW DELHI;
AUGUST 18, 2026.**

ITEM NO.30

COURT NO.12

SECTION XVII-B

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

Petition(s) for Special Leave to Appeal (C)
No(s).21461/2023

[Arising out of impugned final judgment and order dated 10-05-2022 in WP(S) No.5010/2016 passed by the High Court of Jharkhand at Ranchi]

RAJIV CHANDRA JHA

Petitioner(s)

VERSUS

STEEL AUTHORITY OF INDIA LTD. & ORS.

Respondent(s)

IA No. 188995/2023 - EXEMPTION FROM FILING O.T.
IA No. 188996/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

Diary No(s).48145/2023 (XVII-B)
IA No. 267180/2023 - CONDONATION OF DELAY IN FILING

Diary No(s).18540/2024 (XVII-B)
IA No. 117225/2024 - CONDONATION OF DELAY IN FILING
IA No. 117226/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT
IA No. 117223/2024 - EXEMPTION FROM FILING O.T.

Diary No(s).18962/2024 (XVII-B)
IA No. 143611/2024 - CONDONATION OF DELAY IN FILING
IA No. 143613/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT
IA No. 143609/2024 - EXEMPTION FROM FILING O.T.

Date : 18-08-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Ms. Ritu Rastogi, Adv.
Mr. Sanjay Kumar Visen, AOR
Ms. Himani Bhatnagar, Adv.

Ms. Jagriti Mittal, Adv.

**Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Ms. Maryam Junaid, Adv.
Mr. Siddhartha, Adv.
Mr. Joel James, Adv.**

**For Respondent(s) : Mr. Dhruv Mehta, Sr. Adv.
Mr. Yashraj Singh Deora, Sr. Adv.
Mr. Rajiv Yadav, AOR
Mr. Ujjwal Kumar, Adv.
Mr. Chinmoy Samajdar, Adv.
Mr. Atul Tripathi, Adv.**

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

Heard.

Leave granted.

Civil Appeals are allowed in terms of the signed order placed on the file.

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

**(NEHA GUPTA)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**