

NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
(Arising out of SLP (Civil) No(s). 25861 of 2026)

**THE STEEL AUTHORITY
OF INDIA LIMITED APPELLANT(S)**

VERSUS

**BITHIKA CHOUDHURY
AND ORS. RESPONDENT(S)**

J U D G M E N T

Mehta, J.

1. Heard.
2. Leave granted.
3. The Steel Authority of India Limited being the employer is before us assailing the judgment and order dated 2nd December, 2025 passed by High Court at Calcutta¹ in Writ Petition (Central Administrative Tribunal) No. 231 of 2025 preferred by the legal heirs of one Late Aloke Kumar Choudhury

¹ Hereinafter, being referred to as the “High Court”.

(deceased-employee) under Article 226 of the Constitution of India.

4. The deceased-employee was subjected to a departmental inquiry and was handed down a punishment order dated 10th May, 2008 terminating him from service. The appellate authority also confirmed the order of termination by order dated 17th June, 2008. After exhausting the departmental remedies, the deceased-employee filed Writ Petition No. 17735(W) of 2008 before the High Court. The said petition was subsequently transferred to the Central Administrative Tribunal, Kolkata Bench², and was renumbered as Transferred Application No. 3 of 2013.

5. The Tribunal *vide* its order dated 8th September, 2025, after hearing the matter at length, found infirmity in the procedural aspects of the departmental enquiry and, accordingly, set aside the final punishment order dated 10th May, 2008, terminating the deceased-employee, as well as the appellate order dated 17th June, 2008, whereby the said order was affirmed. Since the deceased-

² Hereinafter, being referred to as the “Tribunal”.

employee had expired in the meantime, the Tribunal was of the view that remitting the matter for a fresh enquiry would serve no useful purpose and would be nothing short of an exercise in futility. Consequently, respondent Nos. 1 to 3, i.e., wife, son and daughter of the deceased-employee³ were held entitled to the retiral benefits, while excluding salary for the period during which the deceased-employee remained out of employment.

6. The dependents of the deceased-employee, being aggrieved by the denial of salary for the period during which the deceased-employee remained out of employment, challenged the aforesaid order of the Tribunal before the High Court by way of Writ Petition (Central Administrative Tribunal) No. 231 of 2025. The challenge before the High Court was, thus, confined to the limited issue of entitlement to back wages.

7. The High Court, *vide* its judgment and order dated 2nd December, 2025, allowed the writ petition and held that the denial of back wages/salary to the deceased-employee was wholly unjustified. The High

³ Hereinafter, being referred to as the “dependents”.

Court further found that, in the facts and circumstances of the case, the deceased-employee was entitled to the consequential monetary benefits arising from the setting aside of the order of punishment. Accordingly, the High Court directed that the dependents would get the benefit of back wages from the date of termination till the date of death of employee. Aggrieved by the aforesaid direction for payment of back wages, the employer, Steel Authority of India Limited, has approached this Court by way of the present appeal, by special leave.

8. This Court, *vide* order dated 24th July, 2026, issued notice limited to the question of grant of back wages to the deceased-employee for the period from the date of retirement, i.e., 31st July, 2012, till the date of his death, i.e., 21st October, 2018. By the said order, this Court also stayed the disbursal of the amount towards back wages for the aforesaid period.

9. Notice in the present appeal was duly served upon the respondents, including respondent Nos. 1 to 3, who are the dependents/legal representatives of the deceased-employee and the contesting respondents. However, despite due service, none of

the said respondents has entered appearance or is represented before this Court.

10. We have heard the arguments advanced by Mr. Anand Varma, learned counsel representing the employer, Steel Authority of India Limited and have gone through the impugned judgment and order.

11. Having considered the submissions advanced at the bar and upon perusing the order under challenge, we find that, while the High Court was justified in directing payment of back wages to the dependents of the deceased-employee, it committed an error apparent on the face of the record in directing that the back wages would be paid for the period up to the date of the death of the employee.

12. It is an admitted position that the deceased-employee attained the age of superannuation on 31st July, 2012. Consequently, the direction of the High Court granting back wages up to the date of his death cannot be sustained, as such entitlement could not, in any event, extend beyond the date on which the deceased-employee would have ordinarily ceased to be in service upon attaining the age of superannuation.

13. Accordingly, we direct that the entitlement of the dependents/legal representatives of the deceased-employee (respondent Nos. 1 to 3 herein) towards back wages and consequential monetary benefits shall be restricted to the period up to 31st July, 2012, i.e., the date on which the deceased-employee attained the age of superannuation, as borne out from the record.

14. The judgment and order dated 2nd December, 2025 passed by the High Court is modified to the aforesaid extent.

15. Accordingly, the appeal is partly allowed in these terms.

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

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
SEPTEMBER 07, 2026.