

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 6323-6324/1998

Mahanadi Coalfields Ltd. .. Appellant (s)
Vs.

P.K. Kar & Ors. .. Respondent(s)

(With appln. for directions and stay)

DATE : 14.12.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE D.P. MOHAPATRA

For Appellant (s) : Mr. P.P. Rao, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
Ms. Varsha Chaudhary, adv.
Mr. Kapil Kr. Chaudhary, Adv. for
M/s Fox Mandal & Co. Advs.

For Respondent (s) : Mr. Dhruv Agarwal, Adv.
Mr. Praveen Kumar, Adv.

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

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The appeals shall stand disposed of in terms of the
signed order.

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Charanjit [Meena Trikha]
Court Master

[Signed order is placed on the file]

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6323-6324/1998@@
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Mahanadi Coalfields Ltd. .. Appellant

Vs.

P.K. Kar & Ors. .. Respondents

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A writ petition was filed by the respondents who had undergone apprenticeship for a period of one year ending with January, 1995. They made a representation that they should be employed in the Appellant's establishment. Thereafter the Appellant decided to fill up five posts of Junior Draftsman from amongst the internal candidates who are serving in different areas by inviting applications from them. That process does not seem to have fructified.

At that stage the respondents filed the writ petition seeking for a writ of Mandamus to give them appropriate employment. The High Court made a direction allowing the writ petition to consider the cases of the respondents to fill up first five posts of Junior Draftsman within a period of two months. An application for review of the order made by the High Court was filed and it has stated that when they were not in a position to fill up the posts from the internal sources and decide to make direct recruitment they have to obtain permission from CIL and unless that is done the Court order cannot be complied with. At that stage the High Court stated

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that it would be appropriate for the petitioners therein to obtain the necessary permission from CIL within one month in the first instance and thereafter the period was extended from time to time.

It is needless to say that an authority vested with the discretion to grant the permission or not cannot be compelled to grant permission more particularly in cases where the appointments are being made to posts arising in an establishment. As a matter of policy that authority may decide not to fill up those posts at all. In the event the recruitment take place it shall certainly be permissible for the respondents to make a claim for the same and their cases will have to be considered by that authority in terms of the decision of this Court in U.P. State Road Transport Corporation and Anr. Vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh & Ors. - 1995 (2) SCC 1 and connected matters. The orders of the High Court will have to be given effect in this light. These appeals shall stand disposed of as stated above.

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[S. RAJENDRA BABU]@@
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[D.P. MOHAPATRA] @@
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New Delhi,@@
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December 14, 2000]@@
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