



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.318 of 2024

State of Odisha & Another

....

Appellants

Mr. S.K. Jee, AGA

-Versus-

Kunja Bihari Nayak & Others

....

Respondents

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

26.03.2026

Order No.

01.

The subject matter of this appeal is substantially similar to one in W.A No.17 of 2023 between disposed off by a judgment dated 15.07.2025. The relevant part of the judgment reads as under:

*“5.8. Learned Advocate General is right in telling us that Rules of the kind which provide for pensionary benefits to the employees are evolved as a matter of State Policy taking into inter alia account the purse size of the Government and other collateral factors. A lot of working experience and the lessons drawn from it enter the fray of making. It hardly needs to be reiterated that judiciary being a coordinate branch of the State has to respect the policy decisions of other organs, especially in the absence of challenge thereto, consistent with the doctrine of separation of powers which is held to be a Basic Feature of the Constitution vide **Indira Neheru Gandhi v. Raj Narain**, AIR 1975 SC 2299. The contention of employees that in terms of earlier orders, a section of them has already been given the benefit of counting full service and therefore not extending the said facility to these would be discriminatory, does not merit acceptance. Even in concluded matters, Apex Court in **Sudhansu Sekhar Jena supra** has specifically reserved liberty to the State to prefer review petitions in the matters that have been already concluded in SLP/Civil Appeals. This observation will find at Paragraph-21 of the judgment. We are told by the learned AG that such review petitions*



are already in the making, specific time for filing them having been fixed, by the Apex Court itself.

We are not unmindful of cases wherein the employees might have been granted regularization long after they were due for it. There may be cases wherein with the judicial intervention the dates of regularization of service are altered to the advantage of employees. What would happen to such cases, has not been discussed by us, since that is not the pleaded case before us in these appeals.

In the above circumstances, these appeals having common law and facts are allowed; the impugned orders of the learned Single Judges are set at naught; the writ petitions filed by the respondent-employees are dismissed. ”

In the above circumstances, delay brooked in filing the appeal pales into insignificance and the appeal is disposed off, in terms of the above cognate judgment, the terms mutatis mutandis.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Madhusmita