

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10486/2023

(Arising out of impugned judgment and order dated 01-11-2021 in WP(C) No. 11411/2021 passed by the High Court of Orissa at Cuttack)

STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

ASIT KUMAR SAHOO

Respondent(s)

(FOR ADMISSION and I.R. and IA No.91220/2023-CONDONATION OF DELAY IN FILING and IA No.91223/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

WITH

Diary No(s). 10438/2023 (XI-A)

(FOR ADMISSION and I.R. and IA No.102346/2023-CONDONATION OF DELAY IN FILING and IA No.102347/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.102345/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Diary No(s). 10569/2023 (XI-A)

(FOR ADMISSION and I.R. and IA No.104448/2023-CONDONATION OF DELAY IN FILING and IA No.104456/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101066/2023-STAY APPLICATION and IA No.101067/2023-EXEMPTION FROM FILING O.T. and IA No.104454/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

AND

ITEM NO. 61

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11056/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 18 I.E. Diary No. 10486-2023.]..... IA No.190256/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.190255/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 18-08-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Subhasish Mohanty, AOR

Mr. Suvendu Suvasis Dash, AOR
Ms. Swati Vaibhav, AOR
Ms. Shruti Vaibhav, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11056/2022

Delay condoned.

2. Heard Mr. Suvendu Suvasis Dash, the learned counsel appearing for the State of Odisha. The counsel has read the resolution dated 17.09.2013 (Annexure P/1) of the Government of Odisha wherein Clause 1 (2) provides as under:

“(2) Regular appointment of the above categories of contractual employees shall be made on the date of completion of six years of service or from the date of publication of this Resolution, whichever is later, in the order in which their names appear in the gradation list prepared under para 1. The period of six years shall be counted from the date of contractual appointment prior to publication of this Resolution.”

3. The judgment of the Tribunal to regularise the employees is consistent with the aforesaid clause. The same has been upheld by the High Court, by dismissing the State’s Writ Petition.

4. The manner in which the Clause 1(2) in the Government’s resolution dated 17.09.2013 is interpreted by the Tribunal and the High Court cannot be faulted. Accordingly, the Special Leave Petition stands dismissed.

Pending application(s), if any, shall stand closed.

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10486/2023, SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10438/2023 and SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10569/2023

Delay condoned.

2. Following the order passed in SLP (Civil) Diary No. 11056 of 2022, these Special Leave Petitions stand dismissed.
3. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR