

ITEM NO.48

COURT NO.3

SECTION XI-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 15824/2026

[Arising out of impugned final judgment and order dated 16-10-2019 in FAO No. 438/2017 passed by the High Court of Orissa at Cuttack]

NILAKANTHA MISHRA

Petitioner(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(IA No. 83774/2026 - CONDONATION OF DELAY IN FILING IA No. 83776/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 24-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Anjani Kumar Singh, Adv.
Mr. Saroj Kumar Singh, Adv.
Mr. Prithvi Pal, AOR
Mr. Manoj Jain, Adv.
Mr. Naresh Nagar, Adv.
Mr. Bhupinder Yadav, Adv.

For Respondent(s) :

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

1. Learned Advocate-General for the State of Odisha submits that there is a distinction in between the cases of Ratnakar Palai and Ratnakar Mohapatra. It is further stated by him that in some of the cases, the grant was made under 2004, 2008 and 2009 schemes but those persons are claiming benefits under the 1994 scheme. Therefore, he contends that these cases are different. A snap shot

of matters was produced but the list of those matters separately has not been produced. List of those matters segregating the subject matter as pointed out to us has not been brought before us. The list so produced is of 128 matters which has no relevance. Learned Adv. Gen. submits that he shall personally supervise and segregate those cases by tomorrow at the first instance. He is at liberty to point that there is distinction in 1994 scheme to the other schemes of 2004, 2008 and 2009 and how the judgment as passed is not justifiable.

2. Per contra, Mr. Ranjit Kumar, learned senior counsel submits that the scheme of 2004 has not been approved by the Legislature. Therefore, the scheme of 1994 is prevailing and benefits ought to be granted under the said scheme. He further submits that in the cases connecting to Ratnakar Mohapatra, about 68 special leave petitions have already been dismissed. He is at liberty to file a compilation in this regard and supply the same to the other side as well as to the Court. However, on segregation of the matter under which the benefit was granted under 2004 scheme but the claim was made in 1994 scheme be heard and decided accordingly.

3. So far as learned counsel appearing in the cases in which the benefit was granted in 2008 and 2009 schemes, they are also at liberty to point out, how the benefit under the said scheme is incorrectly granted and they are entitled to get the benefit under the 1994 scheme. Those cases be also heard separately on supply of

the list by the Adv. Gen. in this regard. We make it clear that the matter may be taken up tomorrow, i.e., 25.03.2026 at the end of the Board. Learned counsel representing the parties must come prepared to make their submissions and also at liberty to file brief note of submissions

4. List on 25.03.2026 at the end of the Board.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR