

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7206 OF 2018

(Arising out of S.L.P. (C) No.29697 of 2011)

DIVNL.FOREST OFFR.CHANDAKA WILD LIFE DIV APPELLANT(S)

VERSUS

MADAN MOHAN SAHU RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted

This is an appeal arising out of impugned order dated 23rd July, 2010 passed by the High Court of Orissa at Cuttack in Writ Petition (C) No.5213/2002 whereby the learned Single Judge has dismissed the writ petition preferred by the appellant without going into the merits of the case.

Admittedly, the respondent could not qualify in the selection process for his regular appointment in the service of the State due to which he was not continued in service. In our view, there did not arise any case of illegal retrenchment in this case as was wrongly held by the High Court in granting relief to the respondent on such ground.

In view of what we have said above, it is not necessary to keep this matter pending as directed by order dated 3rd July, 2013.

We are, however, informed that the respondent is working as non-muster roll employee and is due for his retirement next year. If that be so, let him continue on the said post.

If there are any dues which are still liable to be paid to the respondent as non-muster roll employee, the appellant shall pay the same to the respondent within three months from today, as per Rules.

With these observations, the appeal succeeds and is allowed; the impugned order is set aside.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[NAVIN SINHA]

NEW DELHI
JULY 23, 2018

ITEM NO.1

COURT NO.11

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

Petition(s) for Special Leave to Appeal (C) No(s). 29697/2011
(Arising out of impugned final judgment and order dated 23-07-2010
in WPC No. 5213/2002 passed by the High Court of Orissa at Cuttack)

DIVNL.FOREST OFFR.C HANDAKA WILD LIFE DIV

Petitioner(s)

VERSUS

MADAN MOHAN SAHU

Respondent(s)

(IA No.110681/2017-APPROPRIATE ORDERS/DIRECTIONS
FOR CONDONATION OF DELAY IN FILING ON IA 1/2011)

Date : 23-07-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr.Sibo Sankar Mishra, AOR
Mr.Niranjan Sahu, Adv.

For Respondent(s)

Mr.Ashok Panigrahi, AOR
Mr.Anmol T., Adv.

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Chander Bala)

Court Master