

ITEM NO.31

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**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 3490-3491/2023  
@ Diary No.2029/2020

(Arising out of impugned final judgment and orders dated 18-10-2019  
in RVWPET No. 83/2012 & 23-02-2012 in WPC No. 14807/2010 passed by  
the High Court Of Orissa At Cuttack)

SRIKANTA DAS &amp; ORS.

Petitioner(s)

VERSUS

STATE OF ODISHA &amp; ORS.

Respondent(s)

(IA No. 29459/2020 - CONDONATION OF DELAY IN FILING & IA No.  
29460/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) Nos. 3492-3493/2023 @ Diary No.1978/2020 (XI-A)  
(IA No. 128209/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.  
31745/2020 - CONDONATION OF DELAY IN FILING, IA No. 31746/2020 -  
CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No.  
31747/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT &  
IA No. 163202/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) Nos. 3496-3497/2023 @ Diary No.1990/2020 (XI-A)  
(FOR CONDONATION OF DELAY IN FILING ON IA 29878/2020, FOR  
CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA  
29879/2020 & FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
ON IA 29880/2020)

SLP(C) Nos. 3494-3495/2023 @ Diary No.1980/2020 (XI-A)  
(FOR CONDONATION OF DELAY IN FILING ON IA 31737/2020, FOR  
CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA  
31738/2020 & FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
ON IA 31740/2020)

SLP(C) Nos. 7114-7115/2020 (XI-A)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
47931/2020)

SLP(C) Nos. 7117-7118/2020 (XI-A)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
46972/2020)

Date : 14-02-2023 These matters were called on for hearing today.

**CORAM :**

**HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE J.B. PARDIWALA**

**For Petitioner(s) Mr Shyam Divan, Sr.Adv.  
Mr. Subhasish Mohanty, AOR**

**For Respondent(s) Mr. Shubhranshu Padhi, AOR  
Mr. Vishal Banshal, Adv.  
Ms. Rajeshwari Shankar, Adv.  
Mr. Nirop Sukrithy, Adv.  
Mr. Mohd Ovais, Adv.**

**Mr. Shibashish Misra, AOR**

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

**Delay condoned.**

The petitioners before this Court were engaged by the Government as a Class III employees for a substantial period. All the same, since they were not been regularized, they moved a petition(s) before the State Administrative Tribunal which was allowed and their regularization ordered. All the same since their regularization was being made from 2009 and not from 2003 (i.e. when they were appointed), which was their claim, they were constraint to file the writ petition(s) before the High Court. The writ petition(s), however, did not find favour with the Division Bench and was dismissed. Their Review Writ Petition filed against that order of the Division Bench of the High Court, also met the same fate.

The learned senior counsel Mr. Shyam Divan has drawn our attention with the two orders of the Orissa High Court dated 18.10.2019 & 23.02.2012 passed in the main writ petition(s) and the

review petition(s). Both these orders say nothing, on the question raised by the petitioners.

The petitioners case for regularization from the date of the appointment (which was in the year 2003) has not been considered at all.

In our view this also requires consideration as the points raised by the petitioners concern their *inter se* seniority as well.

Under these circumstances and in view of the fact that the High Court has not considered the points raised by the petitioners, we set aside the two orders i.e. dated 18.10.2019 & 23.02.2012 passed by the High Court and remand back the matters before the High Court with a request to consider the points raised by the petitioners and disposed of their writ petition(s) as expeditiously as possible.

It is made clear that this Court in these matters has not expressed any opinion on the merits of the cases.

The special leave petitions are disposed of with the above observations.

Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)  
COURT MASTER (SH)

(VIDYA NEGI)  
ASSISTANT REGISTRAR