

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8415 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.11569 OF 2014)

ODISHA POWER TRANSMISSION CORP.LTD AND ANR. ...APPELLANT(S)

VERSUS

SUSHIL KUMAR NAYAK AND ANR. ...RESPONDENT(S)

WITH

CIVIL APPEAL NO.8416-8485 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.11571-11640 OF 2014)

CIVIL APPEAL NO.8486-8557 OF 2017  
(@ SPECIAL LEAVE PETITION (CIVIL) NO.27539-27610 OF 2015)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The respondents were appointed on contract basis as Engineers on consolidated pay through a contractor. The respondents worked for few years. They approached the High Court for regularization of their services. The High Court has directed for consideration of their cases even though on earlier occasion such prayer was declined by the State.

Mr. P.P. Rao, learned senior counsel for the appellants has placed the following proposal:

"The respondents will be allowed to continue on provisional basis till the next round of selection process takes place in the respective categories of posts for recruitment. The respondents will be at liberty to participate in such Selection Process. They shall be allowed relaxation of upper age limit to the extent of service

rendered by them, provided they satisfy all other eligibility criteria for the posts as laid down in the Recruitment Rules. They shall also be allowed 1% extra marks on the total marks of CBT (Computer Based Test) for each completed year of service subject to a maximum of 15%, which shall be added to the marks secured by them in the CBT. Such of the respondents who get selected will be appointed on regular basis and others who either do not participate in the selection process or are unsuccessful in the selection, their services shall be discontinued. The above concessions will be granted as a special case in having regard to the facts of this case and will not be regarded as a precedent."

Shri Rao submitted that the proposal is partly based on observation of this Court in Ashok Kumar and Another Vs. State of Bihar and Ors. 2017 (4) SCC 357 para 22.

We are satisfied that the stand of the appellants is fair. The appellants are at liberty to proceed in accordance with the said proposal.

Accordingly, the appeals are disposed of in terms of the above proposal.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
5TH JULY, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.46

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). 11569/2014

(Arising out of impugned final judgment and order dated 09-10-2013 in WPC No. 28747/2011 passed by the High Court of Orissa at Cuttack)

ODISHA POWER TRANSMISSION CORP.LTD

Petitioner(s)

VERSUS

SUSHIL KUMAR NAYAK

Respondent(s)

(FOR INTERVENTION APPLICATION ON IA 3/2014  
FOR [PERMISSION TO FILE ANNEXURES] ON IA 4/2014  
(COMPLETE))

WITH

SLP(C) No. 11571-11640/2014 (XI -A)SLP(C) No. 27539-27610/2015 (XI -A)

Date : 05-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. P.P. Rao, Sr. Adv.  
Mr. Raj Kumar Mehta, AOR  
Mr. L.N. Mohapatra, Adv.  
Ms. Himanshi Andley, Adv.

Mr. Shibashish Misra, AOR  
Mr. Ashish Kumar Sinha, Adv.

For Respondent(s) Mr. Y. Raja Gopala Rao, AOR

Mr. Sudhansu Palo, AOR

Mr. Shibashish Misra, AOR  
Mr. Ashish Kumar Sinha, Adv.

Mr. Anil Kumar Tandale, AOR

Mr. Prag P. Tripathy, Sr. Adv.

Mr. Mohit D. Ram, AOR

Mr. Ashok Panigrahi, AOR  
Mr. Santosh Kumar, Adv.

Mr. Soumyajit Pani, Adv.  
Mr. Vinodh Kanna B., AOR

Mr. Ruchi Kohli, AOR

Mrs. Nanita Sharma, AOR  
Mr. Vivek Sharma, Adv.  
Mr. Nitesh Shekhar, Adv.

Mr. Kumar Gaurav, Adv.  
Mr. U.V. Mohanty, Adv.  
Mr. Robin Khokhar, Adv.  
Mr. Sajith. P, AOR

Mr. Raj Kumar Mehta, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed  
order.

All interlocutory applications are disposed of.

(MADHU BALA)  
COURT MASTER  
(Signed order is placed on the file)

(VEENA KHERA)  
ASSISTANT REGISTRAR