

ITEM NO.3

COURT NO.4

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).....CC No(s).
9057/2017

(Arising out of impugned final judgment and order dated 06-05-2016
in FAO No. 123/2016 passed by the High Court Of Orissa At Cuttack)

STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

MANORANJAN NAYAK & ORS.

Respondent(s)

(IA NO. 99888 of 2017)

WITH

Diary No(s). 17864/2017 (XI-A)

Date : 02-04-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Som Raj Choudhury, AOR
Mr. Parshant Kumar, Adv.

Mr. Krishnayan Sen, AOR
Ms. Asiya Khan, Adv.
Ms. Deepanwita Priya, Adv.

For Respondent(s) Dr. Kedar Nath Tripathy, Adv.
Ms. Girija Ballav Das, Adv.

Mr. Bharat Sangal, AOR
Ms. Vidushi Garg, Adv.
Ms. Anindita, Adv.

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

I.A.No. 99888 of 2017

Mr. Tushar Mehta, learned Additional Solicitor General
appearing for the State of Odisha, submits that in view of the

prompt and serious steps already taken by the State to avoid delay in filing matters before the High Court and this Court, the observations/directions in the order dated 21.07.2017, particularly the following paragraphs may be appropriately modified/expunged :-

"Hereafter, in case any matter is filed at the instance of the State of Odisha, either before the High Court or before this Court with delay, the officials in the Departments concerned starting with the rank of dealing hand to the highest official in the rank of Principal Secretary shall not be entitled to any pensionary benefits including gratuity for the said period of delay unless specifically granted by the High Court or this Court. Needless to say that in the application for condonation of delay the names of all the officers shall be furnished.

We also make it clear that in case the State has suffered any loss on this account, it will be open to the State to proceed against the officials and recover the loss."

Having heard the learned Additional Solicitor General, we are inclined to modify the order expunging the first of the above two paragraphs, with a direction that in case the State has suffered any loss on account of any delay, the State shall proceed against the official(s) concerned and recover the loss. Ordered accordingly.

In view of the above, the interlocutory application is disposed of.

SLP (C)CC No. 9057/2017 and Diary No(s). 17864/2017

There is a delay of 236 and 226 days in filing these petitions and we find no reasonable ground to condone these huge delays. Even on merits, we have perused the matters and find no ground to interfere with the impugned Judgment(s) passed by the High Court.

The petitions are, accordingly, dismissed on the ground of delay as well as on merits.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR