

ITEM NO.6

COURT NO.5

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 25164/2024

(Arising out of impugned final judgment and order dated 17-11-2023
 in WA No. 1034/2021 passed by the High Court Of Orissa At Cuttack)

ENGINEER-IN-CHIEF, PUBLIC HEALTH, ODISHA

Petitioner(s)

VERSUS

NANDAKISHORE SETHY & ORS.

Respondent(s)

(IA No.169153/2024-CONDONATION OF DELAY IN FILING and IA
 No.169157/2024-CONDONATION OF DELAY IN REFILING / CURING THE
 DEFECTS and IA No.169155/2024-PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Date : 09-08-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Dhananjaya Mishra, AOR
 Mr. Nikhil Bhatia, Adv.

For Respondent(s)

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

Delay condoned.

2. Heard Mr. Dhananjaya Mishra, learned counsel, appearing
 for the petitioner.

3. The counsel submits that the Single Judge while granting
 relief to the respondent No.1 with direction to consider him

for regularization also ordered for sanctioning a post for the said purpose. It is contended that such direction for creation of post, could not have been issued by the Writ Court. However, the Writ Appeal filed by the State before the Division Bench was not entertained on the ground of delay, by the impugned order.

4. The counsel submits that the delay should have been condoned by the Division Bench as it was during Covid period and the State's appeal should have been considered on merit.

5. Issue notice. Tag with SLP (Civil) Diary No(s).25160/2024.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR