

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 30099/2023

(Arising out of impugned judgment and order dated 09-02-2023 in WPC No. 35225/2020 passed by the High Court of Orissa at Cuttack)

THE STATE OF ODISHA & ANR.

Petitioner(s)

VERSUS

DEBDAS PAIKARAY & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.188542/2023-CONDONATION OF DELAY IN FILING and IA No.188551/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 26-09-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Shreya Bansal, Adv.
Mr. Aniket Singh, Adv.

For Respondent(s) Mr. Kiran Kumar Patra, AOR
Mr. Ram Kishan Rao, Adv.
Mr. Biswajit Kumar Patra, Adv.
Mr. Chandrashekhar Padhi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Arjun Garg, learned counsel appearing for the petitioners. Also heard Mr. Kiran Kumar Patra, learned counsel appearing for the respondents on Caveat.

The learned counsel for the State of Odisha points out that the present matter is concerned with the benefits under the Revised Assured Career Progression (RACP) Scheme where the Odisha Administrative Tribunal had granted relief to the first respondent.

When the Tribunal's order was challenged by the State, it was dismissed by the High Court on the ground of delay and laches in filing the writ petition.

The counsel submits that the Tribunal was considering different category of cases and insofar as those who were claiming benefits under the RACP Scheme, another Bench of this Court on 06.09.2023 in SLP (Civil) Diary No. 31635 of 2023 has passed the following order:

"This is confusion worst confounded by the reason of the lackadaisical attitude in which the petitioner-State has been prosecuting the litigation qua the cause.

Their grievance was that the Central Administrative Tribunal passed an order without even giving them a chance to file the counter affidavit. They took upward of two years to challenge that order before the High court and thereafter before this Court also there has been delay.

The result of the aforesaid is that some cases have been dismissed on the ground of limitation while in others notices have been issued. Some matters were remitted back to the High Court and again came back. These matters are before different Benches.

The appropriate solution to this problem would be that the petitioner-State must make a comprehensive list relating to the issue of RACP of all the cases arising therefrom pending before this Court and submit it to the Registry which will then list all these cases together before one Bench after obtaining the orders of Hon'ble The Chief Justice of India."

In view of the above, this matter be tagged with SLP (Civil) Diary No. 31635 of 2023.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR