

ITEM NO.13

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). 28440/2024**

**(Arising out of impugned judgment and order dated 08-11-2023 in WA No. 1260/2023 passed by the High Court of Orissa at Cuttack)**

**THE STATE OF ODISHA & ORS.**

**Petitioner(s)**

**VERSUS**

**DR. BISHNUPRIYA BISWAL**

**Respondent(s)**

**(FOR ADMISSION and I.R. and IA No.248375/2024-CONDONATION OF DELAY IN FILING and IA No.248376/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.248377/2024-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS )**

**Date : 08-11-2024 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. Anjuman Tripathy, AOR  
Mr. Ardhendu Pratap Swain, Adv.  
Mr. Chandra Vardhan Singh, Adv.**

**For Respondent(s)**

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

**Delay condoned**

**2. Mr. Anjuman Tripathy, learned counsel produces a copy of this Court's order dated 15.07.2024 and submits that this has issued notice in a similar case.**

**3. The counsel would then submit that the respondent was appointed as Junior Veterinary Officer on probation on 18.11.2005 well before the cut off date i.e., 01.01.2006 prescribed by Rule 8 of the *Odisha Revised Scales of Pay Rules, 2008*. However, he was**

erroneously granted the benefit of revised pay scale under Rule 7 of the said Rules. For the erroneous pay fixation, the Government decided to make necessary course correction and also decided to recover the excess pay granted to the respondents.

4. However, the learned Single Judge of the High Court upheld the erroneous pay fixation with support of the non-applicable Rule 7 by overlooking that the respondent No.1 is covered under Rule 8 which provides the cut off date 01.01.2006.

5. The State's challenge to the Single Judge's order was not entertained by the Division Bench on the ground of delay and therefore the merit of the challenge was never considered by the Division Bench of the High Court.

6. Issue notice on the SLP as also on the prayer for interim relief. Tag with SLP (Civil) Diary No.20390/2024.

(DEEPAK JOSHI)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR