

ITEM NO.36

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
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 28679/2024

[Arising out of impugned final judgment and order dated 19-10-2023 in
 WA No.2425/2023 passed by the High Court of Orissa at Cuttack]

STATE OF ODISHA & ANR.

Petitioner(s)

VERSUS

PURNA CHANDRA GIRI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.284374/2024-CONDONATION OF DELAY IN
 FILING and IA No.284375/2024-CONDONATION OF DELAY IN REFILING /
 CURING THE DEFECTS)

Date : 10-01-2025 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. Naveen Kumar, AOR
 Mr. Maitreya, Adv.
 Mr. Shourajeet Chakravarty, Adv.
 Ms. Aprajita Bhardwaj, Adv.
 Mr. Nitesh Bhandari, Adv.
 Ms. Stuti Bisht, Adv.
 Mr. Prabhat Kumar Rai, Adv.
 Mr. Aditya Goyal, Adv.
 Mr. Bhaskar Bhushan, Adv.
 Mr. Ujjawal Kumar Rai, Adv.
 Ms. Esha Kumar, Adv.
 Ms. Nidhi Singh, Adv.
 Mr. Utkarsh Chandra, Adv.

For Respondent(s)

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

Delay condoned

2. Heard Mr. Naveen Kumar, learned counsel appearing for the State of Odisha.
3. The counsel would submit that the respondent No.1 was

appointed as Junior Veterinary Officer on probation on 01.08.2004 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