

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).29165/2023

THE STATE OF ODISHA & ORS.

Appellant (s)

VERSUS

PRAMOD KUMAR BEHURA & ORS.

Respondent (s)

WITH

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).26855/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).30421/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).30923/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).31166/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s).31417/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024
 @ Diary No(s). 31736/2023

CIVIL APPEAL NO(S)./2024
 (Arising out of SLP (CIVIL) No./2024

@ Diary No(s). 31990/2023

CIVIL APPEAL NO(S). _____ /2024

(Arising out of SLP (CIVIL) No. /2024

@ Diary No(s). 31996/2023

O R D E R

Delay condoned.

2. Leave granted.

3. Heard Mr. Tushar Mehta, the learned Solicitor General of India appearing for the State of Odisha.

4. Mr. Tejaswi Kumar Pradhan, learned counsel appears for the contesting respondents in all matters except in CA @ SLP @ Diary No(s).31417/2023 and CA @ SLP @ Diary No(s). 31736/2023

5. The challenge in these cases is to the order passed by the Division Bench of the Orissa High Court refusing to consider the merit of the writ petitions filed by the State and instead opting to dismiss the writ petitions on the ground of delayed filing.

6. The learned Solicitor General would refer to the records in the first case - *State of Odisha and Ors. Vs. Pramod Kumar Behura & Others* to point out that although the writ petition was belatedly filed, the notice was issued in the writ petition and interim order was passed staying the operation of the order under challenge. The case was also admitted thereafter by the Division Bench. In these circumstances, the argument of the counsel is that the Division Bench should have considered the writ petition on merit.

7. On the other hand, the learned counsel for the respondent would argue that the State should have been vigilant in their challenge and therefore the dismissal of the writ petitions on the ground of delay by referring to the ratio in *State of Orissa vs.*

Surama Manjari Das [W.P.(C) No.15763 of 2021] by the Division Bench cannot be faulted.

8. In cases of these nature, which have financial implication for a large number of government employees and also financial implication for the State, the Division Bench ought to have considered the State's challenge on merit. Similar such cases emanating from the State of Odisha were considered and orders were passed on 10.09.2024 in the SLP (Civil) No.9008/2024 titled *State of Odisha & Ors. Vs. Madhurima Panigrahi*.

9. Having considered the above, we deem it appropriate to set aside the impugned judgment(s) of the learned Division Bench. The matters are remitted back to the Division Bench of the High Court so that a decision on merit on the State's writ petitions can be rendered. Effort should be made for early disposal of the writ petitions.

10. With the above order, the appeals are disposed of. Pending application(s), if any, stand closed.

.....J.
[HRISHIKESH ROY]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
SEPTEMBER 23, 2024

ITEM NO.45

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). 29165/2023

(Arising out of impugned final judgment and order dated 07-09-2022 in WP(C) No.2920/2016 passed by the High Court Of Orissa At Cuttack)

THE STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

PRAMOD KUMAR BEHURA & ORS.

Respondent(s)

IA No. 147259/2023 - CONDONATION OF DELAY IN FILING

IA No. 147261/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 163989/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 147265/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 26855/2023 (XI-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 156506/2023
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 156507/2023

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 156508/2023

IA No. 156506/2023 - CONDONATION OF DELAY IN FILING

IA No. 156508/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 156507/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 30421/2023 (XI-A)

(IA FOR CONDONATION OF DELAY IN FILING ON IA 197261/2023
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 197265/2023

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 197267/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 197272/2023

IA No. 197261/2023 - CONDONATION OF DELAY IN FILING

IA No. 197267/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 197265/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 197272/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 30923/2023 (XI-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 205259/2023 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 205261/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 205262/2023

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 205265/2023

IA No. 205259/2023 - CONDONATION OF DELAY IN FILING

IA No. 205265/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 205261/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 205262/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 31166/2023 (XI-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 196217/2023 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 196218/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 196220/2023

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 196222/2023

IA No. 196217/2023 - CONDONATION OF DELAY IN FILING

IA No. 196222/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 196218/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 196220/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 31417/2023 (XI-A)

(IA FOR CONDONATION OF DELAY IN FILING ON IA 204126/2023 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 204128/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 204131/2023

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 204135/2023

IA No. 204126/2023 - CONDONATION OF DELAY IN FILING

IA No. 204135/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 204128/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 204131/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 31736/2023 (XI-A)

(IA FOR CONDONATION OF DELAY IN FILING ON IA 198953/2023 FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 198954/2023

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 198956/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 198959/2023

IA No. 198953/2023 - CONDONATION OF DELAY IN FILING

IA No. 198954/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 198956/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 198959/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 31990/2023 (XI-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 190534/2023 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 190535/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 190536/2023

FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 190537/2023

IA No. 190534/2023 - CONDONATION OF DELAY IN FILING

IA No. 190537/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 190535/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 190536/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 31996/2023 (XI-A)

(FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA 192672/2023

FOR CONDONATION OF DELAY IN FILING ON IA 192679/2023

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 192681/2023

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 192682/2023

IA No. 192679/2023 - CONDONATION OF DELAY IN FILING

IA No. 192672/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 192681/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 192682/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-09-2024 These matters were called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Tushar Mehta, ASG
Ms. Samapika Biswal, AOR
Ms. Aman Kumar Yadav, Adv.

For Respondent(s)
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Rishi Pal Singh, Adv.
Mrs. Vinakshi Kadan, Adv.

Mr. Manoranjan Paikaray, AOR

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stand closed.

[DEEPAK JOSHI]
ASTT. REGISTRAR-cum-PS

[KAMLESH RAWAT]
ASSISTANT REGISTRAR

(Signed Order is placed on the File)