

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 262 OF 2021

IN

CIVIL APPEAL NO. 2466 OF 2017

STATE OF ODISHA AND ORS.

Appellant (s)

VERSUS

**MANAGING COMMITTEE OF
GADADHAR PRADHAN HIGH SCHOOL**

Respondent(s)

WITH

M.A. No. 585/2021 in C.A. No. 2466/2017

M.A. No. 1174/2021 in C.A. No. 2466/2017

M.A. No. 1175/2021 in C.A. No. 2466/2017

M.A. No. 821/2022 in C.A. No. 2484-2485/2017

M.A. No. 812/2022 in C.A. No. 2477-2478/2017

M.A. No. 819/2022 in C.A. No. 2447/2017

M.A. No. 810/2022 in C.A. No. 2443/2017

M.A. No. 817/2022 in C.A. No. 2493/2017

M.A. No. 822/2022 in C.A. No. 2471/2017

M.A. No. 811/2022 in C.A. No. 2476/2017

M.A. No. 813/2022 in C.A. No. 2446/2017

M.A. No. 826/2022 in C.A. No. 2475/2017

M.A. No. 823/2022 in C.A. No. 2483/2017

M.A. No. 825/2022 in C.A. No. 2448/2017

M.A. No. 824/2022 in C.A. No. 2467/2017

M.A. No. 820/2022 in C.A. No. 2472/2017

M.A. No. 818/2022 in C.A. No. 2463/2017

M.A. No. 1888/2021 in C.A. No. 2453/2017

M.A. No. 815/2022 in C.A. No. 2434/2017

M.A. No. 814/2022 in C.A. No. 2470/2017

M.A. No. 816/2022 in C.A. No. 2479-2480/2017

ORDER

- (1) M.A. No. 262 of 2021 in C.A. No. 2466 of 2017, M.A. No. 585/2021 in C.A. No. 2466/2017, M.A. No. 1174/2021 in C.A. No. 2466/2017 and M.A. No. 1175/2021 in C.A. No. 2466/2017 have been filed seeking directions to the State

Government to release the grant-in-aid and comply with the orders of this Court dated 06.02.2017 and clarificatory orders dated 21.03.2017 and 17.04.2017.

- (2) M.A. No. 821/2022 in C.A. No. 2484-2485/2017, M.A. No. 812/2022 in C.A. No. 2477-2478/2017, M.A. No. 819/2022 in C.A. No. 2447/2017, M.A. No. 810/2022 in C.A. No. 2443/2017, M.A. No. 817/2022 in C.A. No. 2493/2017, M.A. No. 822/2022 in C.A. No. 2471/2017, M.A. No. 811/2022 in C.A. No. 2476/2017, M.A. No. 813/2022 in C.A. No. 2446/2017, M.A. No. 826/2022 in C.A. No. 2475/2017, M.A. No. 823/2022 in C.A. No. 2483/2017, M.A. No. 825/2022 in C.A. No. 2448/2017, M.A. No. 824/2022 in C.A. No. 2467/2017, M.A. No. 820/2022 in C.A. No. 2472/2017, M.A. No. 818/2022 in C.A. No. 2463/2017, M.A. No. 1888/2021 in C.A. No. 2453/2017, M.A. No. 815/2022 in C.A. No. 2434/2017, M.A. No. 814/2022 in C.A. No. 2470/2017, M.A. No. 816/2022 in C.A. Nos. 2479-2480/2017 are filed by the applicants seeking direction to the State to comply with the directions of this Court passed in order dated 06.02.2017 and release the differential payment of arrears of salary contending that the

date of notification for Block Grant as given is not correct and therefore, in true sense and spirit, the order dated 06.02.2017 has not been complied with.

(3) As the release of grant-in-aid has been prayed, the relevant part of the order dated 06.02.2017 is reproduced as under:

“5. These appeals are disposed of accordingly, in terms of the following agreed order.

6. It is ordered that in the case of concerned respondents as well as impleaded employees, the date of approval of grant-in-aid will be pre-poned/advanced by three years.

7. Thus, the State would be liable to make the payment of grant-in-aid to each of such employee for additional three years preceding the date of approval of the concerned employee for the purpose of grant-in-aid, that is to say, e.g., the respondent in SLP (C).....CC No.11584 of 2016, namely, Nirakar Swain was given benefit of grant-in-aid w.e.f. 7th January, 2009, that date will be preceded by three years to 7th January, 2006. Similar treatment will be meted-out to each of the employees by preponing the date by three years.

8. In case, the State Government has already complied with the orders and has released it from any earlier date before three years, no recovery shall be made from employee.

9. This Order will not affect the other pending matters as it is passed on consensus and they will be decided on their own merits.

10. All the appeals are disposed of accordingly.”

(4) Seeking modification of the said order, Interlocutory Applications were filed in some of the appeals from the batch; the lead matter being Interlocutory Application No. 2/2017 in

Civil Appeal No. 2431/2017 in which an order was passed on 21.03.2017 which is reproduced hereunder:

“Considered the application for clarification of order dated 6.2.2017, we clarify that as we have not disturbed the order passed by the Tribunal as such notional benefits have to be given with effect from the date benefit had been granted by the Tribunal in each of the case.

It is further clarified that since we have not disturbed the order passed by the Tribunal, except the arrears part, all other permissible benefit shall flow from it as ordered by Tribunal as agreed to by the parties.

Interlocutory applications stand disposed of.”

- (5) In some of the cases, applications seeking clarification/modification were disposed of *vide* order dated 17.04.2017. The said order is also reproduced as under:

“Modification order has already been made on 21.3.2017 in I.A. No. 2 of 2017 in Civil Appeal No. 2431 of 2017. That satisfies the purpose with respect to any modifications.

Applications are, accordingly, disposed of in view of the modified order.

Further time for compliance is fixed. Let the order be complied with by 30.6.2017.

In the meantime, with respect to other I.As. let instructions be obtained whether State is ready to give the similar treatment in the other pending matters and to other similarly situated employees or not.

List in the 1st week of May, 2017.”

(6)Alleging non-compliance of the said orders, contempt petitions were filed, which were disposed of *vide* common order dated 23.08.2018, the lead matter being Contempt Petition (C)No. 787/2018 in Contempt Petition (C)No. 1730/2017 in Civil Appeal No. 2466/2017. This Court, while disposing of the contempt petitions, discharged the notice of contempt with observations that for surviving grievances, the petitioners would be at liberty to take recourse of law afresh. The relevant part of the said order is reproduced as under:

“2. We are of the view that the substantial compliance of the order in terms of monetary benefits has been made. In case, the petitioners/applicant(s)are aggrieved by the order that has been passed by the State Government with respect to the eligibility holding that they were not eligible under the grant-in-aid order of 1994, they are free to assail the same in accordance with law, in appropriate proceedings. The order passed by this Court shall not come in the way of claiming the difference, if any, admissible to them, in case they are found entitled for the benefit of the grant-in-aid order of 1994 or any difference of amount based upon the order.”

(7)In view of the observations made in para 2 of the aforesaid order dated 23.08.2018, it is apparent that liberty was granted to the petitioners/applicant(s) that they may challenge the order denying eligibility by the State Government

under the grant-in-aid order of 1994 and in case, any difference of the claim is admissible to them, it be decided afresh.

- (8) It is contended in some of the miscellaneous applications that the date of grant and/or the pre-poned date of grant is not correct. However, in our view, they are free to agitate the issue afresh in terms of the directions as issued by this Court in para 2 of the order dated 23.08.2018 as passed in contempt petitions.
- (9) At this stage, learned counsel for the applicants contends that they have already filed appeal before State Education Tribunal which is awaiting orders from this Court, in the present applications.
- (10) After hearing learned counsel for the parties and in view of the facts mentioned hereinabove, we dispose of these applications and direct the Tribunal to adjudicate the claim of the applicants, without prejudice, afresh, in terms of the directions as issued by this Court.
- (11) In view of the foregoing observations, these miscellaneous applications stand disposed of leaving the parties to take recourse of law before the State Education Tribunal and to get their claims, if any, adjudicated.

(12) We hope and trust that the Tribunal shall pass the orders after taking note of the facts of each case and after affording an opportunity of hearing to them, in accordance with law.

....., J.
[J.K. MAHESHWARI]

....., J.
[K.V. VISWANATHAN]

**New Delhi;
December 12, 2023.**

ITEM NO.40

COURT NO.11

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**

Miscellaneous Application No. 262/2021 in C.A. No. 2466/2017

**(Arising out of impugned final judgment and order dated 06-02-2017
in C.A. No. 2466/2017 passed by the Supreme Court of India)**

STATE OF ODISHA AND ORS.

Petitioner(s)

VERSUS

MANAGING COMMITTEE OF GADADHAR PRADHAN HIGH SCHOOL Respondent(s)

**(IA No. 18466/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No.
2023/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 19715/2021 -
CLARIFICATION/DIRECTION and IA No. 19708/2021 -
CLARIFICATION/DIRECTION and IA No. 19705/2021 -
CLARIFICATION/DIRECTION)**

WITH

**MA 585/2021 in C.A. No. 2466/2017 (XI-A)
(IA No. 38298/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No.
38649/2021 - CLARIFICATION/DIRECTION and IA No. 38646/2021 -
CLARIFICATION/DIRECTION and IA No. 38642/2021 -
CLARIFICATION/DIRECTION and IA No. 38638/2021 -
CLARIFICATION/DIRECTION)**

**MA 1174/2021 in C.A. No. 2466/2017 (XI-A)
(IA No. 60189/2021 - APPROPRIATE ORDERS/DIRECTIONS)**

**MA 1175/2021 in C.A. No. 2466/2017 (XI-A)
(IA No. 60192/2021 - APPROPRIATE ORDERS/DIRECTIONS)**

**MA 821/2022 in C.A. No. 2484-2485/2017 (XI-A)
(FOR ADMISSION and IA No.169340/2021-APPROPRIATE ORDERS/DIRECTIONS)**

**MA 812/2022 in C.A. No. 2477-2478/2017 (XI-A)
(FOR ADMISSION and IA No.169347/2021-APPROPRIATE ORDERS/DIRECTIONS)**

**MA 819/2022 in C.A. No. 2447/2017 (XI-A)
(FOR ADMISSION and IA No.169355/2021-APPROPRIATE ORDERS/DIRECTIONS)**

**MA 810/2022 in C.A. No. 2443/2017 (XI-A)
(FOR ADMISSION and IA No.169362/2021-APPROPRIATE ORDERS/DIRECTIONS)**

**MA 817/2022 in C.A. No. 2493/2017 (XI-A)
(FOR ADMISSION and IA No.169371/2021-APPROPRIATE ORDERS/DIRECTIONS)**

MA No. 262/2021 in C.A. No. 2466/2017 etc.

MA 822/2022 in C.A. No. 2471/2017 (XI-A)
(FOR ADMISSION and IA No.169378/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 811/2022 in C.A. No. 2476/2017 (XI-A)
(FOR ADMISSION and IA No.169402/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 813/2022 in C.A. No. 2446/2017 (XI-A)
(FOR ADMISSION and IA No.169407/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 826/2022 in C.A. No. 2475/2017 (XI-A)
(FOR ADMISSION and IA No.169419/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 823/2022 in C.A. No. 2483/2017 (XI-A)
(FOR ADMISSION and IA No.169428/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 825/2022 in C.A. No. 2448/2017 (XI-A)
(FOR ADMISSION and IA No.169442/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 824/2022 in C.A. No. 2467/2017 (XI-A)
(FOR ADMISSION and IA No.169451/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 820/2022 in C.A. No. 2472/2017 (XI-A)
(FOR ADMISSION and IA No.169637/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 818/2022 in C.A. No. 2463/2017 (XI-A)
(FOR ADMISSION and IA No.169646/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 1888/2021 in C.A. No. 2453/2017 (XI-A)
(FOR ADMISSION and IA No.138850/2021-CLARIFICATION/DIRECTION)

MA 815/2022 in C.A. No. 2434/2017 (XI-A)
(FOR ADMISSION and IA No.169366/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 814/2022 in C.A. No. 2470/2017 (XI-A)
(FOR ADMISSION and IA No.169391/2021-APPROPRIATE ORDERS/DIRECTIONS)

MA 816/2022 in C.A. No. 2479-2480/2017 (XI-A)
(FOR ADMISSION and IA No.169457/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Ajay Choudhary, AOR
Mr. L.r Rath, Adv.
Mr. Bir Singh, Adv.

Mr. Somanatha Padhan, AOR
Mr. Ashok Anand, Adv.
Mr. Rakesh Kumar Singh, Adv.
Mr. Akash Kakade, Adv.
Mr. Bipin Bihari Singh, Adv.

Mr. Sudarsh Menon, AOR

Mr. Prakash Ranjan Nayak, AOR
Mr. Balaram Nayak, Adv.
Mr. Animesh Dubey, Adv.

Mr. Niranjan Sahu, AOR
Ms. Kajal Sharma, AOR

Mr. Ashok Kumar Parija, Adv.Gen., Sr. Adv.
Mr. Arnav Behera, Adv.
Mr. Amritesh Mohanty, Adv.
Mr. Navneet Dadhichi, Adv.
Mr. Ramendra Mohan Patnaik, AOR

For Respondent(s)

Mr. T. V. George, AOR

Mr. Shiv Sagar Tiwari, AOR

Mr. Prakash Ranjan Nayak, AOR

Ms. Prerna Singh, Adv.
Mr. A. Deb Kumar, Adv.
Ms. A. Deepa, Adv.
Mr. Binod Ch. Sabat, Adv.
Mr. Subash Ch. Sabat, Adv.
Mr. Sudarsh Menon, AOR

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

These miscellaneous applications stand disposed of in
terms of the signed order.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]