

ITEM NO.18

COURT NO.1

SECTION XIA

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

I.A. 1/2016 in CONMT.PET.(C) No. 155/2014 In C.A. No. 3793/2012

AJAY KUMAR DAS & ORS

Petitioner(s)

VERSUS

GAGAN BIHARI DHALA & ANR

Respondent(s)

(for modification of court's order dated 28.10.2015 and office report)

Date : 25/07/2016 This application was called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Tejaswi Kumar Pradhan, Adv.

For Respondent(s) Mr. Tushar Mehta, ASG,
Mr. Shibashish Misra, Adv.

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

By our Order dated 28.10.2015, we had taken note of a statement made on behalf of the respondents-contemnors in Contempt Petition No. 155 of 2014 that the respondents would grant to the petitioners in the said petition within six weeks from the date of the said order, benefit of UGC pay scales held admissible to them in terms of our earlier Order dated 23.04.2012 passed in Civil Appeal No. 3793 of 2012. The benefits were to be granted w.e.f. 01.06.1992.

Mr. Tushar Mehta, learned ASG has now made this application seeking a certain modification of that order. He submits that while the respondents have pursuant to the said order and the statement made on behalf of the respondents already released the requisite benefits admissible to the petitioners w.e.f. 01.06.1992, the order passed by this Court dated 28.10.2015 ought to be clarified to the extent that the said release is without prejudice to the rights of the respondent-State of Orissa to raise all such contentions as are available to it in law and on facts in regard to similar other claims which other teachers may make for similar benefits.

Keeping in view the fact that the benefits admissible to the petitioners have been already released w.e.f. 01.06.1992, we see no difficulty in clarifying that the release of such benefits shall not prevent the State from taking all such defences as may be open to them in law and on facts insofar as similar claims made by other teachers are concerned. We further make it clear that we have not expressed any opinion on the merit of any such contentions which the State of Orissa may choose to urge in any such proceedings.

With these observations, I.A. No. 1 of 2016 is disposed of.

(Shashi Sareen)
AR-cum-PS

(Signed order is placed on the file)

(Veena Khara)
Court Master