

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2890 OF 2022  
(@ SPECIAL LEAVE PETITION (C) NO. 8025/2019)

THE STATE OF ODISHA & ORS.

Appellant(s)

VERSUS

BUDA BATRI

Respondent

O R D E R

Leave granted.

On 15.04.1997, the respondent was appointed as a 'Sevak'. The letter of appointment stated that the appointment was purely temporary and terminable at any time without assigning any reason. By letter dated 12.05.1997, the appointment was cancelled for several reasons, *inter alia*: (a) the selection of the respondent by the District Selection Committee did not comply with the Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules, 1993; (b) the respondent's name was not on the merit list; (c) the Local Employment Exchange had not sponsored the respondent; and (d) the respondent did not have requisite qualifications as per the recruitment rules.

On 07.03.2012 the respondent preferred an Original Application before the Orissa Administrative Tribunal, Bhubaneswar, Odisha, challenging the letter dated 12.05.1997. An application for condonation of delay of nearly 14 years in challenging the letter

dated 12.05.1997 was filed.

By order dated 24.09.2015, the application for condonation of delay and the Original Application filed by the respondent were allowed, holding that the respondent would continue at the job of *sevak*. The review application filed by the appellants was dismissed. Aggrieved, the appellants preferred the petition before the High Court, which has been dismissed by the impugned order dated 16.04.2018.

We may note that the appellants have raised several grounds, some of them have been noticed below. The respondent submits that some other *sevaks*, whose appointments were also cancelled, approached the tribunal and obtained favourable orders. The respondent, a tribal, did not have resources and means to approach the court/tribunal and therefore the orders of the tribunal and the High Court are justified and fair.

The appellants have submitted that only in about nine cases, orders of reinstatement have been passed pursuant to orders passed by the tribunal. In those cases, the appointees had approached the tribunal immediately after the termination order. Thereupon, a vigilance inquiry was conducted and as per the report, the recruitment process in which the respondent was appointed suffered from material irregularities and illegalities. In most cases, the order of the reinstatement has not been passed due to the vigilance

report.

Having regard to the length of delay, we are of the opinion that the tribunal erred in condoning the delay of nearly 14 years in preferring the Original Application. Reappointment after nearly 14 years would create chaos and would not be in the interest of administration. While some others had approached the tribunal, the respondent, though similarly situated and of identical social and economic background, did not. He had accepted and acquiesced to the letter of termination. The appointment itself was temporary. Having been appointed as the *sevak*, the respondent was aware of his rights. The fact is that the respondent had accepted the letter of termination, which shows that the grievance raised is an afterthought and an attempt to raise a stale claim after he had already come to terms with the termination. Indulgence and grant of relief in one case may well have unacceptable consequences as appointments of *sevaks* in terms the recruitment rules would have been made. Further, several others, notwithstanding the delay, would make a claim on the ground of parity pleading that the period of delay would be inconsequential.

Accordingly, the appeal is allowed. The orders passed by the High Court and the tribunal, directing the respondent's re-employment, are quashed and set aside. The Original Application and application for condonation of delay will be treated as dismissed.

There would be no order as to costs.

Pending application(s), if any, are also disposed of.

. . . . . J.  
(SANJIV KHANNA)

. . . . . J.  
(BELA M. TRIVEDI)

NEW DELHI;  
APRIL 11, 2022

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

Petition(s) for Special Leave to Appeal (C) No(s). 8025/2019

(Arising out of impugned final judgment and order dated 16-04-2018 in WP(C) No. 5583/2018 passed by the High Court of Orissa at Cuttack)

THE STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

BUDA BATRI

Respondent(s)

Date : 11-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Shibashish Misra, AOR

For Respondent(s) Ms. Nidhi, AOR

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

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stand disposed of.

(BABITA PANDEY)  
COURT MASTER (SH)

(DIPTI KHURANA)  
COURT MASTER (NSH)

(Signed order is placed on the file)