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C.R.Dash-Vrs-UOI&Ors.

OA No.148/11

**ORDER – dated 13<sup>th</sup> September, 2013.**

CORAM

**HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)**


**HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

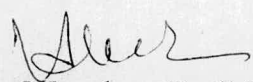
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Heard Mr.S.B.Mohanty, Learned Counsel for the Applicant and Mr.D.K.Behera, Learned Additional CGSC appearing for the Respondents and perused the materials placed on record including the ~~including~~ the instruction communicated to Mr.Behera vide letter dated 10<sup>th</sup> September, 2013 by the Assistant Director (LC) Office of the CPMG, Odisha Circle, Bhubaneswar and produced through Memo dated 11.9.2013. The operative part of the said letter reads as under:

“SLP No.21309/2006 in the matter of Sham Dulari was dismissed by Hon'ble Apex Court leaving the question of law as open on 07.12.2007. Following dismissal of the SLP, opinion of the Addl. Solicitor General of India was sought for filing Review Petition. It was opined that the order of dismissal clearly implies that the party thereto were heard and that upon such a hearing, the Hon'ble Court was of the view that no ground was made out to warrant its interference with the impugned order of the High Court. However, the question of law would remain open, which implies that the views of the department vis-à-vis the view of the concerned employees/workmen( on question of law and not of fact) have not attained finality before the Supreme Court. However, the order of dismissal in SLP in SLP ( C) No.21309/2006 will not affect as a binding precedent upon the Supreme Court in respect of question of law which may be raised in future appeals to the Supreme Court till such time the court pronounces its views on question of law. On considering opinion of the Addl. Solicitor General of India, the department decided to implement the judgment on 18.03.2008.”

In view of the above decision there remains nothing further to be adjudicated in this OA. This OA is accordingly disposed of. No costs.

  
Member (Admn.)

  
Member (Judl.)