

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13604 of 2009

Kamadeba Mohanty

....

Petitioner

*Mr. S. Mohanty,
Advocate*

-versus-

State of Odisha and others ***Opposite Parties***

*Mr. G. Rout,
Additional Standing Counsel*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

13.12.2022

Order No.

- 06.
1. The matter is taken up through hybrid mode.
 2. A submission being made by the learned Counsel for the Petitioner that this matter is similar to W.P.(C) No.3345 of 2009 and several other matters decided on 30.04.2010 and that the Order passed by this Court in those batch of Writ Petitions is subject matter of challenge and sub-judice before the apex Court in SLP(C)Nos.2880 of 2011 & 2848 of 2011, hearing of the present writ petition got adjourned with an Order to list the matter after disposal of said SLPs.
 3. Learned Counsel for the Petitioner submits that in the meantime, SLP(C) No.5484 of 2010 and SLP(C) No.29716 of 2010, which were identical to SLP(C) No.2880 of 2011 and SLP(C) No.2848 of 2011, have been disposed vide common order dated 21.03.2017 and produces a photo copy of the said Order which reads as follows:

"Heard learned counsel for the parties.

*These petitions arise out of claims for
payment of dues of the employees of sick Co-operative*

Spinning Mills, namely:

1. Orissa Weavers Co-operative Spinning Mills Ltd. (ORICOSPIN), Tora, Bargarh.

2. Kalinga Weavers Co-operative Spinning Mills Ltd. (KALICOSPIN), Govindpur, Dhenkanal

3. Shree Jagannath Weavers Co-operative Spinning Mills Ltd. (JSPIN), Athagarh, Cuttack

4. Shree Sarala Weavers Co-operative Spinning Mills Ltd. (SARSPIN), Tirtol, Jagatsinghpur
4. Utkal Weavers Co-operative Spinning Mills Ltd. Khordha.
The said Spinning Mills have either been privatized or are under liquidation.

It is stated that the dues of the employees may be to the tune of Rs.807.86 lakhs. If there is any dispute about the extent of dues, the same may be gone into at an appropriate forum.

Having regard to the facts and circumstances of the case, we are of the view that the appellant ought to disburse dues to the respondents to the extent of 50% out of proceeds of assets of the sick mills in question within a period of two months. The remaining amount be paid within a period of one year thereafter. Any pending litigation in this regard may be concluded as far as possible within a period of six months from today. It will be open to the petitioner to take further steps for getting any pending proceedings at appropriate forum. The special leave petitions are disposed of in above terms. Pending application(s), if any, shall also stand disposed of."

4. Learned counsel for the State-Opposite Parties does not dispute the said submissions of the learned Counsel for the Petitioner.

5. In view of such undisputed fact that this case is already covered by the Judgment passed by this Court in W.P.(C) No.12915 to 12925 of 2009, which has been confirmed by the apex Court in terms of the Order quoted above, the Writ Petition stands disposed of directing the Opposite Parties to consider the case of the Petitioner in the light of the directions given in the aforesaid writ petitions read with the decision of the apex Court and do the needful for release of the balance dues of the petitioner within a period of eight weeks from the date of communication of this Order.

6. Urgent certified copy of this order be granted on proper application.

Padma

