

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No. 6731 of 2003**

***Union of India and Others*** ..... ***Petitioner***

Mr. P.K. Parhi, Asst. Solicitor General  
Mr. D.R. Bhokta, Central Government Counsel

-versus-

***Smt. Neelam Mishra and Others*** ..... ***Opposite Parties***

Mr. S.P. Sarangi, Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE R.K. PATTANAİK**

**Order No.**

**ORDER**  
**28.02.2022**

05. 1. The Union of India has filed this Petition challenging the order dated 4<sup>th</sup> December, 2002 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (CAT) in O.A. No.675/1997.
2. By the said order, a direction has been issued to the present Petitioners by the CAT to pay Rs.46,499/- to the Opposite Parties, who are the legal representatives (LRs) of the deceased employee late Umesh Chandra Mishra.
3. The short ground on which the decision of the CAT was based was that prior to making recovery of the above amount from Shri Mishra, no show cause notice was issued. On the ground of violation of the principles of natural justice, the above recovery was termed as illegal and the amount recovered was asked to be returned to Shri Mishra by the Petitioners.

4. On 15<sup>th</sup> September, 2003 while entertaining the present petition, the following order was passed:

“Issue notice of admission upon the opposite parties by registered post with A.D. making it returnable within twelve weeks. Requisites shall be filed within 17.9.2003.

**Misc. Case No.6487 of 2003**

Issue notice as above.

Accept one set of process fee.

Until further orders, the impugned order dated 4.12.2002 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.675/97 shall remain stayed, subject to the condition that the petitioners shall deposit Rs.46,499/- before the Registrar (Judicial) of this Court within four weeks from today. If the petitioners do not deposit the aforesaid amount before the Registrar (Judicial) of this Court within the aforesaid time, the stay order passed shall stand automatically cancelled.”

5. Mr. P.K. Parhi, learned Asst. Solicitor General along with Mr. D.R. Bhokta, learned Central Government Counsel states that the above order should have been complied with.

6. Considering that the Shri Mishra had expired even during pendency of the petition before the CAT and this petition has been pending for over 18 years now and the amount of being just Rs.46,499/-, the Court is not inclined to interfere. However, the question of law is kept open for decision in some other case. The amount deposited by the Petitioner in this Court be handed over by the Registry to the Opposite Parties after notice to them and on

proper identification. The amount will be paid to them along with whatever interest has accrued thereon in the meanwhile.

7. In order to ensure compliance of the above directions, the Registry is directed to immediately inform the Opposite Parties.

8. The petition is accordingly dismissed with the above directions.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***(R.K. Pattanaik)***  
***Judge***

*S.K. Jena/P.A.*

