

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.342 of 2008

***O.S.R.C., through its District Transport
Manager, Sambalpur Zone, Sambalpur*** ***Appellant***
Mr. P.K. Mishra-I, Advocate

-versus-

Smt. Madhuri Meher and Others ***Respondents***
Mr. S.B. Udgata, counsel for Respondents 1-4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.12.2022

Order No.

Misc. Case No.758 of 2008 & MACA No.342 of 2008

- 06.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. P.K. Mishra-I, learned counsel for the Appellant - OSRTC and Mr. S.B. Udgata, learned counsel for claimant – Respondents.
 3. There is delay of 332 days in filing the appeal.
 4. To explain the delay, Mr. Mishra submits that three Law Officers of the Corporation (OSRTC), namely Benudhar Sahu, Kailash Chandra Mishra and another took voluntary retirement and therefore, the file could not be traced out by the Legal Department of the Corporation resulting such delay.
 5. The submission of Mr. Mishra is not found satisfactory for the reason that neither the date of their retirement has been disclosed nor anything has been explained as to how they are concerned with this particular file.

6. On the other hand, Mr. Udgata, learned counsel for the claimants submits that OSRTC is a Government owned corporation and having thousands of passenger buses plying in different routes within the state and intra-state also, it has several Law Officers and it would be inappropriate to connect the retirement of any particular Law Officer to the delay in absence of materials to that effect.

7. Mr. Udgata further submits that the connected appeal, i.e. MACA No.338 of 2008 which was filed by the Corporation in respect of claim application filed for death of the father of the present deceased, has already been dismissed in the meantime by this court since 2008.

8. Considering all such submissions, the explanation offered by the Appellant – Corporation to condone the delay is not found satisfactory and as such, this court is not inclined to condone the delay. Accordingly the limitation petition is rejected.

9. Consequently the appeal is also dismissed on the ground of limitation.

(B.P. Routray)
Judge