

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13751 of 2006

***Senior Divisional Operation
Manager, East Coast Railway and
others***

Petitioners

Mr. R.C. Praharaj, Advocate

-versus-

M. Laxmipati

Opposite Party

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

**ORDER
15.02.2022**

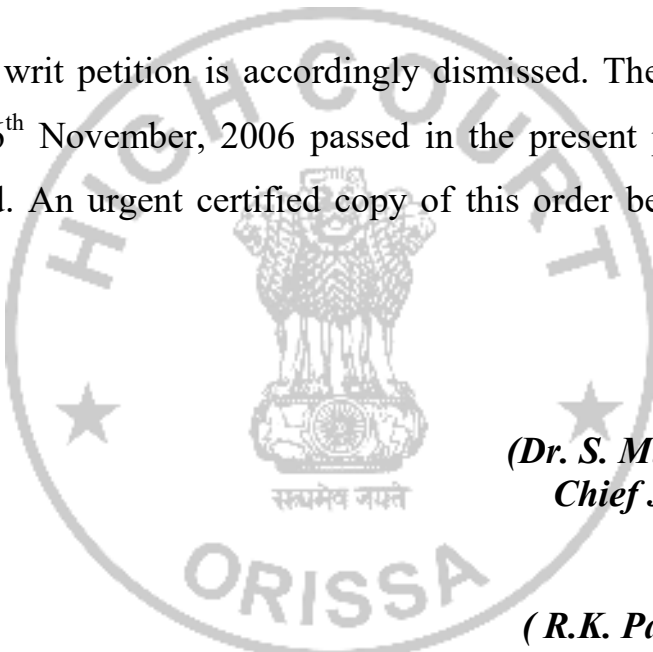
Order No.

05. 1. The Railways have filed this petition questioning an order dated 10th August, 2005 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (CAT) for interfering with the punishment of reduction of pay to two stages below in the same time scale of pay for a period of three years with cumulative effect by an order dated 8th September, 2000 pursuant to a disciplinary proceeding instituted against the Opposite Party. The punishment has been set aside by the CAT on the ground that the points raised by Opposite Party No.2 in his representation were not considered by the disciplinary authority or the revisional authority.
2. By an order dated 6th November 2006, this Court had directed that the impugned order should not be implemented during the pendency of this petition. Although the petition has been pending for 15 years now, no steps have been taken to even serve

Opposite Party No.2. He was 57 years at the time of the filing of this petition, and today he would be well over 73 years old.

3. Keeping in view these factors, the Court directs that the question of law arising from the impugned order shall be left open for decision in some other appropriate cases and further, it will not constitute a precedent since in any event, in these kinds of cases the decision turns on the facts and circumstances of the case.

4. The writ petition is accordingly dismissed. The interim order dated 6th November, 2006 passed in the present petition stands vacated. An urgent certified copy of this order be issued as per rules.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) below it. The words 'HIGH COURT' are written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Two stars are positioned on either side of the central emblem.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin