

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6353 of 2004

Chetana Institute for the Mentally Handicapped ***Petitioner***

Mr. Asok Mohanty, Senior Advocate
-versus-

Smt. Manika Pradhan and another ***Opposite Parties***

M/s. Ganeswar Rath, Advocate and Associates for OP No.1
Mr. Janmejaya Katikia, AGA for State

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

Order No.

**ORDER
07.03.2022**

05. 1. The challenge in the present petition is to an Award dated 30th April 2004, passed by the Labour Court, Bhubaneswar in Industrial Dispute Case No.20 of 1993. The dispute referred to the Labour Court for adjudication read as under;

“Whether the action of the management of Chetana Institute for Mentally Handicapped, Banivihar, Bhubaneswar, in terminating the services of Smt. Manika Pradhan with effect from 2.4.91 is legal and/or justified? If not, to what relief Smt. Pradhan is entitled?

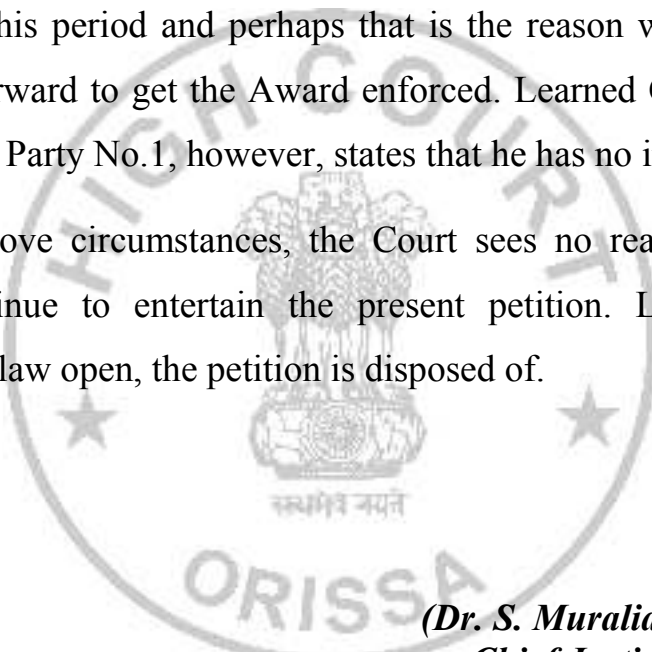
2. The above reference was answered in favour of the Opposite Party No.1 and a direction was issued to the present Petitioner to reinstate her with back wages of 25%. When the petition was listed in this Court for hearing on 20th July, 2004, it was admitted and the Lower Court record was called for. However, there was no stay granted of the impugned award. Till date, that position has not changed. Unfortunately, however, it appears that Opposite Party

No.1 never instituted proceedings for enforcement of the Award despite there being no stay granted by this Court.

3. In all these 18 years of the pendency of the present petition, no attempt has been made by Opposite Party No.1 to either seek enforcement of the Award or an early hearing of the present petition.

4. Mr. Asok Mohanty, learned Senior Counsel appearing for the Petitioner states that as per the information available with the Petitioner, Opposite Party No.1 has been gainfully employed throughout this period and perhaps that is the reason why she did not come forward to get the Award enforced. Learned Counsel for the Opposite Party No.1, however, states that he has no instructions.

5. In the above circumstances, the Court sees no reason why it should continue to entertain the present petition. Leaving the questions of law open, the petition is disposed of.

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) in Devanagari script below it. The word 'ORISSA' is written in a semi-circle at the bottom. Two stars are positioned on either side of the central emblem. The words 'HIGH COURT' are written in a semi-circle at the top.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S. Behera