

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12825 of 2012

Satyanarayan Mishra

....

Petitioner

Mr.J.K.Mishra-2, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr.P.K.Muduli, AGa

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K.PATTANAİK

Order No.

ORDER

18.04.2022

06.

1.The challenge in the present petition is to an order dated 24th February, 2011 passed by the Orissa Administrative Tribunal (OAT), Bhubaneswar dismissing O.A. No. 2041 of 2002 filed by the Petitioner on the ground of limitation. The operative portion of the impugned order which is reads as under:

“5. We have perused the documents in the O.A. along with its enclosures. The applicant has challenged the order dated 06.10.1999 (Annexurwe-3/1) in this O.A. filed on 2.9.2002 had already observed that the O.A. is barred by limitation of time. A notice was issued on the question of admission and final disposal subject to the question of limitation being gone into at the time of disposal of the O.A. The applicant alleged that after dismissal from service the applicant was suffering from

mental problem. After he was declared fit by a private medical practitioner (Annexure-22), he had filed this case. We have considered the issue perused carefully the documents submitted with the O.A. The medical certificate at Annexure-22 is from a private medical practitioner practicing at Rourkela. Considering the nature of psychological ailment said to have been suffered by the applicant, we are at a loss to understand as to whether a certificate for such disease and treatment for such illness in a private clinic in Rourkela could be relied upon. After careful consideration, we hold that no reliance can be placed on such medical certificate. We are, therefore, unable to accept the cause of delay for two years and eleven months, as cited by the applicant, in filed the O.A.

6. The O.A. is thus grossly time-barred and is not maintainable. We have perused the documents attached with the O.A., the counter filed by the State-Respondents and submissions made by the learned counsel for the applicant and the State Counsel. We find that procedure prescribed under OCS(CC&A) Rules, 1962 has been complied with by the respondents and adequate opportunity had been given to the applicant to defend himself. We, therefore, find no reasons to interfere with the orders of the competent authority in regard to the disciplinary proceedings, punishment order or orders of the appellate authority.”

2.Learned counsel for the Petitioner repeated the argument that the Petitioner was suffering from depression and therefore, could not file the petition before the OAT in time.

The documents placed on record in support of such plea were not found to be convincing by the OAT.

3. Having examined the documents, the Court is unable to take a different view in the matter. Indeed, there is no proper explanation for the inordinate delay in approaching the OAT. There was, therefore, no justification in the OAT dismissing the application on the ground of laches. Consequently, the Court is not inclined to interfere with the impugned order and the writ petition is dismissed as such.

