

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31017 OF 11

Khirod Kumar Pradhan
(wrongly stated as Arkhit Pradhan)

..... ***Petitioner***
Mr. Sachidananda Sahoo, Adv.

-versus-

Mahanadi Coal Fiuelds Ltd,
Sambalpur & Ors.

..... ***Opposite Parties***
Mr. A.K.Mishra,Adv. for O.P.1
Mr. Anindya Kr.Mishra,Adv. for O.Ps.
2,3,4&5

CORAM:
JUSTICE V. NARASINGH

ORDER
28.03.2022

Order No.
09.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Mahanadi Coal Fields Limited-Opposite Parties.
3. The order dated 16.04.2007 at Annexure-4 by which prayer of the Petitioner's father to provide employment to the Petitioner as his dependant was rejected is assailed in the present writ petition.
4. On perusal of the pleadings it is seen that the selfsame order had come up for consideration of this Court in W.P.(C) No.7552 of 2007 and by order dated 3.07.2008 at Annexure-5 this Court disposed of the writ petition giving liberty to the father of the Petitioner (Arkhit Pradhan) to approach the appropriate Court to establish legal status of the Petitioner therein(Arkhit) vis-à-vis the Petitioner in the

present writ petition. The operative part of the order is quoted hereunder,

“xx xx to approach the appropriate Court of law to establish that Khirod Kumar Pradhan is his legally adoption son.”

5. It is submitted by the learned counsel for the Petitioner that in terms of the order passed by this Court, the Petitioner filed Civil Suit No 216 of 2008 in the Court of Civil Judge (Sr. Division), Talcher, District-Angul. By judgment dated 23.03.2011 his suit was decreed and the Civil Court came to the finding that Petitioner is the adopted son of Arkhit Pradhan.

6. It is seen that after disposal of the writ petition by this Court for reasons best known, the judgment of Civil Court was not brought to the notice of the Opposite Parties-Mahanadi Coal Fields Limited(MCL) and nothing on record to the contrary.

7. In the counter affidavit filed, by the Opposite Parties have inter alia questioned the status of the present Petitioner as the adopted son of late Arakhita Pradhan.

8. Be that as it may, this Court feels that interest of justice would be sub served, if Petitioner as adopted son is permitted to make a fresh representation indicating inter alia that a Court of competent jurisdiction has declared his status as the son of late Arakhita Pradhan and more so as it is stated at the Bar that the said judgment of the Civil Court has attained finality.

9. Taking into account that this matter is lingering for quite some time, it is directed that if the Petitioner makes a fresh representation as aforesaid within a period of three weeks hence, the

authority shall do well to consider it within six weeks thereafter giving opportunity of hearing to the Petitioner.

10. Learned counsel for the Petitioner undertakes to file a copy of order passed by the learned Civil Judge (Sr. Division), Talcher, District-Angul along with a copy of this order within the time stipulated.

11. Accordingly, the writ petition is disposed of.

12. Urgent certified copy of this order be granted as per rules.

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