

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 1788 of 2022

***Union of India represented
through the Comptroller and
Auditor General of India, New
Delhi and others***

Petitioners

Mr.G.K.Acharya, Sr. Advocate with
Mr. S.K.Patra, Advocate

-versus-

Sri Rama Chandra Lenka

....

Opp. Party

None

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

**ORDER (Oral)
25.01.2022**

Order No.

- 02.** **1.** This matter is taken up through virtual mode.
- 2.** The present writ petition has been filed by the office of the Comptroller & Auditor General of India as also the Accountant General (A & E), Odisha, Bhubaneswar assailing the interim order dated 11.1.2022 passed by the learned Central Administrative Tribunal, Cuttack whereby the office of the Accountant General has been held to be responsible for undue delay in implementation of the order dated 28.3.2019 passed by the Tribunal regarding stepping up of pay of the O.P.-Rama Chandra Lenka at par his junior Sri Raghunath Das with consequential benefit as per law, and also a nominal cost of Rs.100/- has been ordered to be recovered, while providing a last chance for compliance of the aforesaid order by 27th January, 2022.
- 3.** After hearing learned counsel for the petitioner, we find that there is no ground to interfere as far as the findings regarding delay caused by the office of the Accountant General in implementation of the previous order passed by the learned

Tribunal. However, due to no fault of the office of the Comptroller and Auditor General, we find imposition of cost of Rs.100/- on the said office are uncalled for, hence, liable to be set aside, and it is exempted from payment of cost, more so, in view of implementation of the order as directed by the learned Tribunal in the impugned order. Ordered accordingly.

4. In view of the above, the writ petition is disposed of with the modification of the impugned interim order dated 11.1.2022 to the aforesaid extent regarding payment of nominal cost.

5. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo No.514 and 515 dated 7th January, 2022.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

January 25th, 2022
Cuttack

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