

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. Nos.317 & 318 of 2013

M/s. Tata Refractories Ltd.

....

Appellant

Mr.B.P. Tripathy-2, Advocate

-versus-

Govt. of Odisha & others

....

Respondents

Mr. D.K. Mohanty, AGA

Mr. S.K. Mishra, Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

06.09.2022

Order No.

05.

1. Both the appeals are directed against a common judgment dated 17th May, 2013 passed by the learned Single Judge in O.J.C. No.1175 of 2001 and W.P.(C) No.5067 of 2003.

2. While O.J.C. No.1175 of 2001 was filed by Respondent No.1 Dr. Choudhury Nagendranath Mishra, W.P.(C) No.5067 of 2003 was filed by the present Appellant, both assailing an Award dated 22nd November, 2000 passed by the Presiding Officer, Labour Court, Bhubaneswar in I.D. Case No.97 of 1992 whereby the dismissal of Respondent No.3 by the Management was upheld.

3. The jurisdiction exercised by the learned Single Judge in the said writ petitions was obviously under Article 227 of the Constitution. Against an order passed by the learned Single Judge under Article 227 of the Constitution, no writ appeal would lie by way of an intra Court appeal to a Division Bench of

this Court. It has so been held by a Full Bench of this Court in *Md. Saud and others v. Dr. Major Sk. Mahafouz and another* (2008) II OLR 725 [Para 47 (3)].

4. Learned counsel for the Appellant referred to the decision in *Ram Kishan Fauji v. State of Haryana and others* (2017) 5 SCC 533. Having perused the said judgment, the Court is satisfied that the present appeals are not maintainable.

5. Consequently, the Court declines to entertain these writ appeals but leaves it open to the Appellant to seek other appropriate remedies as may be available to the Appellant in accordance with law.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge