

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.11400 of 2014

E.Narayan

.....

Petitioner

Mr. S.Patra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S.N.Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

10.03.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Office note indicates that six extra copies of the writ petition have not been served on learned Addl. Government Advocate in compliance of the order dated 11.11.2021. But learned counsel for the petitioner produces the receipt showing service of six extra copies on learned State Counsel in Court today. Hence, the defect, as pointed out by the S.R., stands ignored.

3. Heard Mr. S.Patra, learned counsel for the petitioner and Mr. S.N.Nayak, learned Addl. Standing Counsel for the State.

4. In this writ petition, the petitioner calls in question the order dated 15.03.2013 passed by the State Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.202 (C) of 2011 and batch, by which the Tribunal has dismissed the O.As. filed by the respective applicants on the ground of limitation keeping in view different decisions of the Hon'ble apex Court as well as the earlier decision of the Tribunal dated 24.06.2010 passed in O.A.

No.404/2000 and batch.

5. Mr. S. Patra, learned counsel for the petitioner contended that similar matters had come up for consideration before this Court in W.P. (C) No.19550 of 2011 and the same was disposed of vide order dated 03.02.2021 by extending the benefit to the petitioner therein in terms of the office memorandum dated 6.3.1990. As a consequence thereof, the benefit has also been extended to similarly situated persons vide office memorandum no. 4098/21 dated 27.08.2021.

6. It is also contended that the learned Single Bench of this Court, which was presided over by one of us (Dr. Justice B.R.Sarangi) in W.P.(C) No.2612 of 2022 (*Abhaya Kumar Mohanty v. Principal Secretary to Government of Odisha, H & UD Department and others*) has also extended the similar benefits to the petitioner therein. In view of such fact, the present petitioner should not be discriminated and should be granted the benefit as due and admissible in accordance with law.

7. Learned counsel for the State contended that since there was inordinate delay in approaching the tribunal, the Tribunal is well justified in passing the order impugned and, therefore, this Court should not interfere with the same.

8. Having heard learned counsel for the parties and after going through the records, since similarly situated persons have been extended with the benefits in W.P. (C) No. 19550 of 2011 and W.P.(C) No.2612 of 2022, and the petitioner stands on similar footing, the benefit is admissible to him taking into consideration the office memorandum dated 6.3.1990 and also implementation order passed by the authority vide office order no. 4098/21 dated

27.08.2021.

9. Accordingly, the order dated 15.03.2013 passed by the learned Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.202 (C) of 2011 is quashed. The opposite parties are directed to extend the benefit to the petitioner in terms of orders of this Court passed in W.P. (C) No. 19550 of 2011 and W.P.(C) No.2612 of 2022 taking into consideration the office memorandum dated 6.3.1990 and implementation order passed by the authority vide office order no. 4098/21 dated 27.08.2021.

10. The writ petition is accordingly allowed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Jagadev/Bichi