

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19909 of 2012

Gangadhar Mohanty

.....

Petitioner

*Mr. B. Routray, Sr. Adv. along with
Mr. D. Routray, Adv.*

Vs.

State of Orissa and Others

.....

Opposite parties

Mr. S.N. Nayak, A.S.C.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

23.03.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Routray, learned Senior Counsel appearing along with Mr. D. Routray, learned counsel for the petitioner and Mr. S.N. Nayak, learned Additional Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition challenging the order dated 04.09.2012 passed in O.A. No.2834(C) of 2010 under Annexure-8, by which the Odisha Administrative Tribunal, Cuttack Bench, Cuttack has dismissed the original application as barred by limitation.

4. It is worthwhile to mention that the tribunal, while dismissing the original application, observed that due to missing CCRs, the petitioner had approached the tribunal by filing in O.A. No.324 of 1988, which was disposed of on 08.06.1993 and, therefore, the claim of the petitioner that he did not know the result of the original application, cannot be considered now, as the order was passed in the open Court in presence of the counsel appearing for the petitioner, and that the petitioner accepted the

appointment letter issued in the year 1982 and joined in service. It was further observed that as the petitioner accepted the said post with full knowledge that the post was declared to be specially gazetted and carried less scale of pay, than the regular OAS Class-II Posts, it is therefore not open to him to say that injustice was caused to him. Further, when the petitioner was thereafter included in regular OAS cadre with effect from 1995, he could have approached the tribunal immediately thereafter. But he did not do that for no ostensible reasons. Having so observed, the tribunal ordered that the petitioner having approached the tribunal at a belated stage, the original application stood dismissed as barred by limitation.

5. In the above view of the matter, this Court is not inclined to interfere with the reasons assigned by the tribunal to dislodge the present position. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Sukanta