

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.10840 of 2014

(Through Hybrid mode)

NTPC Ltd. and another ***Petitioners***

Mr. A. N. Das, Advocate

-Versus-

State of Odisha and others ***Opposite Parties***

Mr. A. K. Sharma, Advocate (AGA)

Mr. D. Mohapatra, Advocate

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

01.11.2022

Order No.

14. 1. Petitioner is the company. The writ petition carries prayer for quashing impugned orders dated 19th March, 2014 and 29th January, 2013. Said orders were made by the Revenue Divisional Commissioner. By earlier order, the Commissioner had allowed opposite party no.10 to change option from land to job as had been done in other cases. By the latter order, said earlier order was not changed.
2. Other case persons and opposite party no.10 aggregate 14 persons. The company filed two writ petitions against aforesaid orders. In the first, the company made 13 persons private opposite parties while in the second, opposite party

no.10 was sole private opposite party. The company prosecuted the first writ petition but did not on the second. There was order made in the first writ petition declining interference with impugned orders. The company, after exhausting attempt at review, proceeded to file Special Leave Petition, which was dealt with by the Supreme Court on order dated 20th July, 2020, modified by order dated 27th August, 2020.

3. Mr. Das, learned advocate appears on behalf of the company while Mr. Sharma, learned advocate, Additional Government Advocate for State and Mr. Mohapatra, learned advocate for opposite party no.10. We have heard them.

4. It will be sufficient to extract and reproduce a passage from said order dated 20th July, 2020 of the Supreme Court.

“Having considered the circumstances on record and specially the order passed by the Revenue Divisional Commissioner as well as the stand taken by the State Government, we see no reason to interfere in the matter. The cases of the original writ petitioners were found to be similar to those 23 SAPs and as such the benefit was rightly extended to them. We hasten to add that such change of option ought not normally be permitted and the cases of those 23 and present 12 SAPs must be taken as exceptions to the normal rule.”

(emphasis supplied)

Of the 13 persons covered by above order dated 20th July, 2020, one person died, jobs were given to eleven others and one person took compensation.

5. After all this, this the second writ petition left behind is up for hearing and adjudication.

6. We appreciate that order dated 20th July, 2020 giving relief to private opposite parties in the first writ petition was made by the Supreme Court under article 142 in the Constitution. Subject matter of both the writ petitions are same. Petitioner did not simultaneously prosecute this writ petition. Petitioner is bound by the order of the Supreme Court. In circumstances above, we direct petitioner to forthwith extend the relief to nominee of opposite party no.10 as we reiterate, petitioner is bound by said order dated 20th July, 2020.

7. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge