

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23182 of 2010

Rabindra Sahu

....

Petitioner

Mr. B. Satpathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. S.N. Das, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

08.02.2022

Order No.

03.

1. The Petitioner is aggrieved by an order dated 13th May, 2010 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack (OAT) in O.A. No.413(C) of 2001 on the ground of delay and laches.

2. The background facts are that the Petitioner was working as a Constable at Agalpur Out-Post in the district of Bolangir and was placed under suspension by an order dated 28th February, 1991 of the Superintendent of Police, Bolangir and disciplinary proceeding was initiated against him. The result of the departmental enquiry was a finding of guilt followed by punishment of forfeiture of increment for two years with cumulative effect amounting to three black marks.

3. The appeal filed by the Petitioner against the said order of punishment was dismissed by the DIG of Police (NR). The revision petition filed by the Petitioner before the DG & IG of

Police was also rejected and the rejection was communicated to him on 27th July, 1995 itself. For some reason, the application before the OAT was filed by the Petitioner only on 26th July, 2001 nearly six years after the order dated 27th July, 1995 was communicated to the Petitioner. The explanation offered was that after rejection of the revision petition, the Petitioner had filed a review petition and this occasioned the delay. The OAT has rightly declined to interfere particularly since the delay of six years was not satisfactorily explained even taking into account the fact that a review petition was filed against the order of revisional authority.

4. The Court is, therefore, not inclined to interfere with the impugned order of the OAT. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge