

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21278 of 2017

Union of India and others

.....

Petitioners

Mr. Bimbisar Dash, Sr. Panel Counsel

Vs.

B. Laxmi and another

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

18.08.2023

Order No.

06.

I.A. No. 10638 of 2022

This matter is taken up through hybrid mode.

2. Heard Mr. B. Dash, learned Senior Panel Counsel for the petitioners.

3. This application has been filed by the Petitioners seeking modification of the order dated 21.06.2022 passed in W.P.(C) No. 21278 of 2017.

4. As it appears, the Union of India and its functionaries have filed the Writ Petition challenging the order dated 03.04.2017 passed in Review Application No.260/13 of 2016 (arising out of O.A. No. 260/426 of 2014), by which Central Administrative Tribunal, Cuttack Bench, Cuttack reviewed the order dated 11.03.2016 passed in O.A. No. 426 of 2014 and quashed the order dated 25.04.2014 passed by the General Manager, East Coast Railways with a direction to the petitioners to reconsider the case of the Opposite Parties for compassionate appointment within a period of 90 days by passing a reasoned and speaking order.

5. This Court vide order dated 21.06.2022 while disposing of the

Writ Petition did not incline to entertain the Writ Petition and directed the present Petitioners to consider the case of the Opposite Parties in terms of the order passed by the Tribunal in Review Petition.

6. On the earlier occasion while entertaining this I.A., this Court vide order dated 15.05.2023 directed the learned Central Government Counsel to get instruction as to whether anybody is there in the family of the Opposite Parties, who can get the benefit of compassionate appointment or financial benefits.

7. In compliance thereof, Mr. Dash, learned Sr. Panel Counsel contended that both the opposite parties, namely B. Laxmi and B. Narayan Rao have already expired on 10.05.2020 and 11.01.2018 respectively. He further contended that though a contempt petition had been filed alleging non-compliance of the order passed in the aforesaid Original Application, but the Tribunal vide order dated 01.04.2021 dropped the Contempt Petition since both the Contemnors had died in the meantime.

8. In view of the above, the direction issued by this Court on 21.06.2022 in the Writ Petition cannot be implemented because non-existence of any party. The order of this Court dated 21.06.2022 is modified to that extent.

9. The I.A. stands disposed of accordingly.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun

Signature Not Verified

Digitally Signed
Signed by: ARUN KUMAR MISHRA
Designation: ADR-cum-Addl. Principal Secretary
Reason: Authentication
Location: Orissa High Court
Date: 18-Aug-2023 18:01:29

