

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13396 of 2020

(Through hybrid mode)

Prahallad Chandra Mallick

....

Petitioner

Mr. S.S. Das, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. Y.S.P. Babu,

Additional Government Advocate

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

23.11.2022

Order No.

13.

1. Mr. Das, learned advocate appears on behalf of petitioner. He submits, prayer is for implementation of award dated 20th June, 2001. On query from Court, he submits, his client had duly lodged complaint before the Conciliation Officer regarding non-implementation of award. The complaint resulted in 2CC Case no.16 of 2002. The case was since dropped because State had filed W.P.(C) no.5837 of 2004 challenging the award. He submits, his client was unable to obtain certified copy of the order. The writ petition was disposed of by order dated 13th December, 2006 without interfering with the award. A misc. case filed by State in the disposed of writ petition was also disposed of as not maintainable.

2. On query from Court, Mr. Babu, learned advocate, Additional Government Advocate appearing on behalf of State is unable to inform us on whether the case before the Sub-Divisional Judicial Magistrate (SDJM), Jajpur was dropped.

3. We do not accept that the complaint case was dropped by reason of State having filed a writ petition. Furthermore, the writ petition appears to have been disposed of without interference with the award. This more so because State preferred misc. case in the disposed of writ petition, which was also disposed of as being not maintainable since the original writ petition stood disposed of. We reproduce below order dated 14th November, 2017 made by coordinate Bench saying that the misc. case would not be maintainable.

“By order dated 13.12.2006, this writ petition has already been disposed of. Thereafter, Misc. Case no.9430 of 2007 has been filed for recovery of certain amount.

We are of the view that after the disposal of the writ petition, the misc. case would not be maintainable. The Misc. Case No.9430 of 2007 stands disposed of.”

4. Petitioner is directed to produce copy of this order before SDJM, Jajpur and find his remedy there and elsewhere, if available in law.

5. With the above direction and observation, the writ petition is disposed of.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge