

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.271 of 2019

Sri Akshaya Kumar Dash

....

Appellant

Mr. V. Mohapatra, Advocate

-versus-

***Nilachal Gramya Bank,
Bhubaneswar and others***

....

Respondents

Mr. K.C. Kanungo, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

ORDER

02.09.2022

Order No.

05.

1. The challenge in the present appeal is to an order dated 1st May, 2019 passed by the learned Single Judge declining to condone the delay in filing the application to recall the judgment dated 18th February, 2016 dismissing W.P.(C) 8657 of 2010.

2. The ground on which the application has been rejected is that there was a delay of 907 days in filing the CMAPL No.470 of 2018.

3. Having perused the application, the Court is of the view that since the Petitioner is an individual, and matter concerns his removal from service, and in view of the ground of health cited in the application, the delay in filing the application ought to be condoned.

4. Consequently, the impugned order dated 1st May, 2019 is hereby set aside and the CLAPL No.470 of 2018 is allowed.

Consequently, the I.A. No2167 of 2018 is hereby allowed and the judgment dated 18th February, 2016 is recalled. W.P.(C) No.8657 of 2010 is restored to the file of learned Single Judge for being proceeded in accordance with law. The said petition now be listed before the roaster Bench of the learned Single Judge on 26th September, 2022 for directions. In the said writ petition reply be filed by that date.

5. The writ appeal is disposed of in the above terms.



KC Bisoi