

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13144 of 2022

Chandraprakash Rath

....

Petitioner(s)

Mr. B.Ch. Panda,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S. Ghose,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

19.07.2022

Order No.

02.

1. Taking this Court to the grounds taken in the writ petition a submission is made by Mr. Panda, learned counsel for the Petitioner that alternate remedy of appeal may not be a bar in entertaining the present writ petition.

2. Looking to the nature of grievance involved herein and the provision of appeal at Section 58 of the OLR Act, 1960, this Court finds, by way of amendment in 2006 the appeal under the provision of the OLR Act, 1960 also included the order U/s.8-A of the OLR Act, 1960. Considering the grounds stated herein this Court finds, the grounds urged can be agitated in appeal and the appellate authority has jurisdiction to take cognizance of the same. For effective and efficacious alternate remedy available in the Statute, this Court finds no scope to exercise power under Article 226 of the Constitution of India in this case. On the asking of the Petitioner, this Court finds, he has the right to appeal. However, considering that delay in filing appeal may affect the prospect of the Petitioner,

this Court observes, since the Petitioner was bonafidely approaching this Court under Article 226 of the Constitution of India, the Petitioner is permitted to file appeal alongwith an application for condonation of delay within a period of two weeks hence. In such event the Appellate Authority shall do well in condoning the delay after involving the Opposite Parties therein and disposing the appeal in accordance with law.

3. The writ petition is accordingly disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

