

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17585 of 2021

The Management of Executive Petitioner
Engineer, Jajpur Irrigation Division

Mr. M.K. Khuntia, AGA

-versus-

General Secretary, Jajpur Irrigation Opposite Parties
NMR Employees Union & Another

Mr. S.K. Mishra, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN

ORDER
20.12.2022

Order No.

02. 1. This is a petition by the Irrigation Department challenging an award dated 18th January, 2020 passed by the Industrial Tribunal, Bhubaneswar in I.D. Case No.28 of 2017. It is obviously delay of more than one and half years in filing the present petition, the date of filing the present petition is shown as 19th June, 2021.
2. In order to explain the delay in filing the present petition, it is stated in Paragraph 12 of the writ petition as under:-

“ That there has been considerable but unintentional delay on the part of the management to approach this Hon’ble Court in challenging the award dated 18th January, 2020 not only for the reasons of the official formalities like inter departmental communication but also because of the present pandemic situation of Covid-19 and the observance of Government instructions therein.”

3. The above explanation is wholly unsatisfactorily. Even in a petition under Article 227 of the Constitution of India, reasonable

explanation is to be offered for the delay in approaching the Court. The aforementioned explanation is hardly sufficient and not convincing at all. The Supreme Court of India in the case of ***Chief Post Master General v. Living Media India Ltd. (2012) 3 SCC 563*** and ***State of Madhya Pradesh v. Bherulal (2020) 10 SCC 654***, has not accepted the above kind of explanation for the delay in the State filing petitions, appeals etc. Consequently, the Court is not inclined to condone the inordinate delay in preferring the present writ petition.

4. The writ petition is, accordingly, dismissed.

MRS/Laxmikant

