

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1110 of 2006

Kalandi Charan Sarangi

....

Petitioner

Mr.S.K.Padhy, Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
15.02.2022**

Order No.

01.

1. Heard learned counsel appearing for the parties.
2. Answering the question of delay involving consideration of promotional aspect in 1971 and 1977 being taken up in filing Original Application in the year 2006, Mr.Padhy, learned counsel appearing for the petitioner contended that for involvement of the above illegality, petitioner after approaching the authority in the first hand approached the Tribunal in O.A.No.1941 of 1991, which matter was disposed of on 19.05.2005 with a direction therein for considering the representation of the petitioner at Annexure-2 therein. It is also brought to the notice that when this decision not been worked out, the petitioner approached this Court in W.P.(C).No.2698 of 2006, which matter was again disposed of by a Division Bench of this Court by its order dated 03.04.2006 with a direction that since the Writ was not maintainable, the Petitioner was required to file a fresh Original Application. It is thus contended that this Original Application is an outcome of the same. In the above background of the matter, Mr.Padhy, learned counsel for the petitioner contended that there is in fact no delay in approaching the Court as the petitioner was all through approaching for remedy out his grievance through different courts. It is at this stage of the matter, Mr.Sahoo,

learned Additional Standing Counsel contended that the relief since involved the period 1971 and 1977, even assuming that the petitioner had approached the Tribunal in O.A.No.1941 of 1991, the O.A. was found suffering on account of delay and the O.A. was also disposed of with an order for disposal of pending representation. Taking this Court to the order in Writ Petition indicated hereinabove, Mr. Sahoo, learned Additional Standing Counsel contended that there has been no effective decision on the cause of action having 1971 and 1977. It is in this view of the matter, Mr.Sahoo, learned Additional Standing Counsel submitted that the application suffers on account of huge delay.

3. Considering the rival contentions of the parties, this Court finds the Original Application involves the following prayer:

“In view of the fact mentioned in paragraph-6 of this application, this Hon’ble Tribunal be graciously pleased to quash the impugned order passed by the D.G. dated 17.11.2005; and this Hon’ble Tribunal further be pleased to direct the opp. parties.

a) To consider and grant promotion to the petitioner to the rank of Sub-Inspector (Operator) w.e.f. January, 1971 to the rank of Inspector (Operator) from 1977 and consequential promotion thereafter, to the post of D.S.P. from 1986 basing on such re-caste seniority of petitioner;

b) To regularize the service period of petitioner, accordingly and to grant and disburse the arrears of pay and pension and to pay the revised pension within a stipulated period as deemed fit and proper in the facts and circumstances of the case;

And this Hon’ble Tribunal be pleased to pass any other order/direction as deemed fit and proper in the facts and circumstances of the case;

And for this act of kindness the petitioner as in duty bound shall ever pray.”

learned State Counsel contended that

4. Undisputedly, the petitioner is already aged 86 as claimed by learned counsel for the petitioner. Looking to the prayer involved and the pleadings, there should not be any doubt that the relief involved herein involved 1971 and 1977. For the ultimate Original Application filed in 2006 since disposed of on innocuous prayer cannot help in

condonation of such huge delay. Keeping the above in view, this Court finds there is delay of at least 30 years (three decades) in approaching the Tribunal for which this Court finds the O.A. suffers on account of huge delay. Consequently, the WPC (OAC) stands dismissed.

(Biswanath Rath)
Judge

Sks

