

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.402 of 2019

CESCO & others

....

Appellants

Mr.RamanathAcharya.Advocate

-versus-

Purna Chandra Pradhan

....

Respondent

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
26.09.2022

02.

I.A. No.623 of 2019

1. This is an application for condonation of delay. There is delay of 108 days in filing the appeal. The explanation offered in the application for condonation of delay is as under;

“Para-3. That after disposal of the writ petition, the judgment dated 25.04.2019 passed in W.P (C) No.3387 of 2005 was communicated by the Superintendent of the High Court of Orissa, Cuttack vide Letter No.19199 dated 16.05.2019 and the same has been received by the petitioners on 17.06.2019. After receiving the said order, the Corporate Office sought for instruction/legal opinion from the counsel who was conducting the case. After receiving the legal opinion from the conducting counsel, the matter was placed before the Board for taking necessary action. It was decided by the Board that since it the order is not within the purview of the Orissa State Electricity Board of Employees Regulation 1979, it is required to challenge in a form of Writ Appeal before this Hon’ble Court and accordingly the aforesaid Appeal has been filed.

Para-4. That it is categorically submitted that all the officers of CESU were busy for renovation of

electricity supply as there was severe damage of the electrical structure due to 'Fani' dated 3.5.2019. So, the Appeal could not be filed in time before this Hon'ble Court."

2. The above kind of explanation has not been accepted by the Hon'ble Supreme Court in series of judgments including the case of *Chief Post Master General and others v. Living Media India Ltd. and another (2012) 3 SCC 563* and the subsequent judgment in the case of *State of Madhya Pradesh v. Bherulal (2020) SCC Online SC 849*.

3. The explanation offered by the appellant being not satisfactory, the Court is not inclined to condone it. Accordingly, the I.A No.623 of 2019 is dismissed. Consequently, the writ appeal is dismissed.

Chief Justice

(Dr. S. Muralidhar)

*(Chittaranjan Dash)
Judge*

B.C.Mohanty