

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.69 of 2016

Union of India and others ***Appellants***

Mr. P. K. Parhi, ASGI and Mr. A. Pradhan, CGC

-versus-

Purna Chandra Padhy ***Respondents***

Mr. N. K. Mishra, Senior Advocate

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

**ORDER
12.05.2023**

Order No.

Misc. Case No.121 of 2016 and W.A. No.69 of 2016

05. 1. The present writ appeal is directed against an order dated 5th May, 2015 passed by the learned Single Judge in OJC No.7854 of 1998 whereby the writ petition was allowed and orders dated 17th March, 1997 and 31st July, 1997 in the disciplinary proceedings against the Respondent were set aside.

2. The writ appeal is delayed by 244 days. Misc. Case No.121 of 2016 has been filed for condonation of delay. The explanation offered in this application for the delay read as under:

“2. That, after obtaining the certified copy from the Learned Counsel, the matter was placed before the Legal section to take further course of action. Thereafter, the file was moved before the Head Office at Delhi for taking further course of action in this matter.

4. That, after the decision of the Legal Cell to file the appeal the matter was placed before the competent

authority to move the Learned Govt. Counsel for legal opinion. Immediately after receipt of the legal opinion and in due respect to the legal opinion steps were taken to file the appeal.

5. That due to the official procedure, the matter was delayed which is unintentional & there is no deliberate, latches on the part of the petitioners. After submission of the file and connected records to the learned Govt, counsel, the appeal was filed within the period of ten days. Therefore, in the fact and circumstances of the case, the delay in filing of the writ appeal may please be condoned to secure ends of Justice.”

3. In terms of the legal position explained by the Supreme Court of India in *Chief Post Master General v. Living Media India Ltd. (2012) 3 SCC 563*, *The State of Madhya Pradesh v. Bherulal (2020) 10 SCC 654* and a number of subsequent decisions, the above explanation offered is inadequate to condone the inordinate delay of 244 days. Consequently, the Misc. Case is dismissed. As a result, the writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda

Signature Not Verified

Digitally Signed
Signed by: MRUTYUNJAYA PANDA
Designation: Personal Assistant
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 13-May-2023 21:50:51

