

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.22323 of 2022

Saroja Kumar Nanda Petitioner

-versus-

State of Odisha & Others. Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
23.09.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. R. Mohanty, learned counsel for the petitioner and Mr. Choudhury S. Mishra, learned A.G.A.
3. It is submitted that pursuant to the order passed by this Court on 7.7.2022 in W.P.C(OAC) No.3543 of 2015, though the petitioner preferred an appeal on 18.7.2022, but the appellate authority-Opp. Party No.3 rejected the said appeal on the ground that it is time-barred and has been filed at a belated stage. Mr. Mohanty, learned counsel for the petitioner submitted that since the appeal has been filed basing on the liberty granted by this Court in its order dated

7.7.2022, the appellate authority should have decided the appeal on merit, instead of rejecting the same on the ground of delay. This Court finds force in the submission of Mr. Mishra, learned A.G.A as the appellate authority has not understood the true intent of the order passed by this Court on 7.7.2022. Since this Court permitted the petitioner to prefer an appeal, the appellate authority should have considered the same on its own merit, instead of rejecting the same on the ground of delay.

Therefore, this Court is inclined to quash the order dated 30.7.2022 passed by Opp. Party No.3 under Annexure-8. While quashing the same, this Court directs the said opp. Party to dispose of the appeal in accordance with law by giving an opportunity of hearing to the petitioner. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

4. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)

Judge

sangita

