

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P (C) No. 23535 of 2021**

***Umesh Chandra Maharaj***

.....

***Petitioner***

*Mr. S.K. Ojha, Advocate*

Vs.

***Union of India and others***

.....

***Opposite Parties***

*Mr. P.K.Parhi, DSGI along with*

*Mr. J. Nayak, CGC &*

*Mr. S. Behera, Advocate (O.P.4)*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MR. JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**11.01.2023**

**Order No.**

04.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Ojha, learned Counsel for the petitioner, Mr. P.K. Parhi, learned DSGI along with Mr. J. Nayak, learned Central Government Counsel and Mr. S. Behera, learned counsel for opposite party no. 4.

3. The Petitioner has filed this Writ Petition seeking to quash the order dated 19.04.2021 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 657 of 2019.

4. Mr. S.K. Ojha, learned Counsel for the Petitioner at the outset contended that the matter was heard and reserved by the Tribunal on 21.01.2021 and the order was passed on 19.04.2021, i.e. after three months, which is in violation of Rule-105 of Chapter-XVII of the Central Administrative Tribunal Rules of Practice, 1993, which requires that when the orders are reserved, the date for pronouncement not later than 3 weeks shall be fixed. The date so fixed shall not be changed

except after due notice to all parties/counsel. He further contended that similar matter had come up before this Court for consideration in *Nityananda Barik v. Union of India and others*, 2022 (Supp.) OLR - 289, wherein this Court has already held that if the order is passed de hors of Rule 105 of 1993 Rule, such order cannot sustain in the eye of law.

5. Mr. P.K. Parhi, learned DSGI as well as Mr. S. Behera learned counsel appearing for the opposite party no.4 does not dispute such position on the basis of the judgment passed by this Court.

6. Having heard learned counsel for the parties, it is evident that the matter was heard and reserved by the Tribunal on 21.01.2021 and the order was passed on 19.04.2021, which is in violation of Rule-105 of Chapter-XVII of the Central Administrative Tribunal Rules of Practice, 1993. Therefore, the order dated 19.04.2021 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 657 of 2019 and connected Original Applications cannot sustain in the eye of law and liable to be quashed and is hereby quashed. The matter is remitted back to the Central Administrative Tribunal, Cuttack Bench, Cuttack for re-adjudication. It is made clear that this Court has expressed no opinion on the merits of the case.

7. The writ petition is accordingly disposed of.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(B. P. SATAPATHY)**  
**JUDGE**

*Arun*