

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.542 of 2022

Md. Sadique

....

Petitioner

Mr. Agasti Kanungo, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. P.K. Parhi, DSGI along with

Mr. B.K. Padhi, CGC.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.12.2022

I.A.No.206 of 2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned counsel for the opposite parties.
 3. This is an application for condonation of delay in filing the application. There is delay of 663 days in filing the application.
 4. Considering the grounds stated in the I.A., delay in filing the application is condoned subject to payment of Rs.2,000/- (rupees two thousand) by the petitioner to the Advocates' Welfare Fund of Orissa High Court Bar Association within a week and furnishing money receipt thereof in proof of deposit.
 5. The I.A. is accordingly disposed of.

(A.K. Mohapatra)

Judge

CMAPL No.542 of 2022

- 02.
6. Heard.
 7. On perusal of the record, it appears that the peremptory order has

been passed. Due to non-compliance of order dated 13.11.2019, the writ petition has been dismissed for non-compliance of the order by non-filing of requisites for issuance of notice to the Opposite Party Nos.5 and 6 within the stipulated period.

8. It is submitted by learned counsel for the petitioner that due to Covid-19 pandemic situation, steps could not be taken. He further submits that the petitioner belongs to Jharkhand and he could not contact immediately for taking the steps. However, he came to know that the matter has been dismissed for non-compliance of the order dated 13.11.2019 by the Registry vide order dated 07.09.2020. Therefore, the petitioner has been filed the present application for restoration of the writ petition.

9. It is further contended by learned counsel for the petitioner that the writ petition has been filed by the petitioner challenging the order of compulsory retirement. Therefore, learned counsel for the petitioner submits that the substantive right will be affected to that effect.

10. Mr. B.P. Padhi, learned Central Government Counsel, on the other hand, submits that the petitioner was at all diligent and taken steps for a long time. It is further contended that delay is in almost two years and last couples of years, Court is not functioning normally out of Covid-19 pandemic situation.

11. Considering the grounds stated in the petition, the order dated 07.09.2020 is hereby recalled, this Court deems it proper to restore the writ petition.

12. Accordingly, the CMAPL is allowed. Place this before the appropriate Bench.

(A.K. Mohapatra)
Judge