

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25870 of 2019

***Employees' State Insurance
Corporation & Anr.***

.....

Petitioners

Mr. A.P. Ray, Advocate

Vs.

***Shri Jyoti Ranjan Mishra &
Ors.***

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A.P. Ray, learned counsel for the petitioners.
3. The petitioners have filed this writ petition challenging the order dated 12.12.2018 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/474 of 2011 under Annexure-1.
4. Mr. A.P. Ray, learned counsel for the petitioners contended that the original application was allowed basing upon the order dated 05.09.2014 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 1427 of 2012. But such judgment and order was challenged before the Delhi High Court in W.P.(C) No. 2853 of 2015 and by judgment dated 24.07.2019, the decision of the tribunal has been set aside. Therefore, the order impugned cannot be sustained in the eye of law.
5. In view of the fact that the matter has been settled by the Delhi High Court in W.P.(C) No. 2853 of 2015 disposed of on 24.07.2019, which is placed on record vide Anneuxre-8 to the I.A. No. 13111 of 2020, this Court decided not to issue notice to the private opposite parties.
6. On perusal of the order itself indicates that the Tribunal

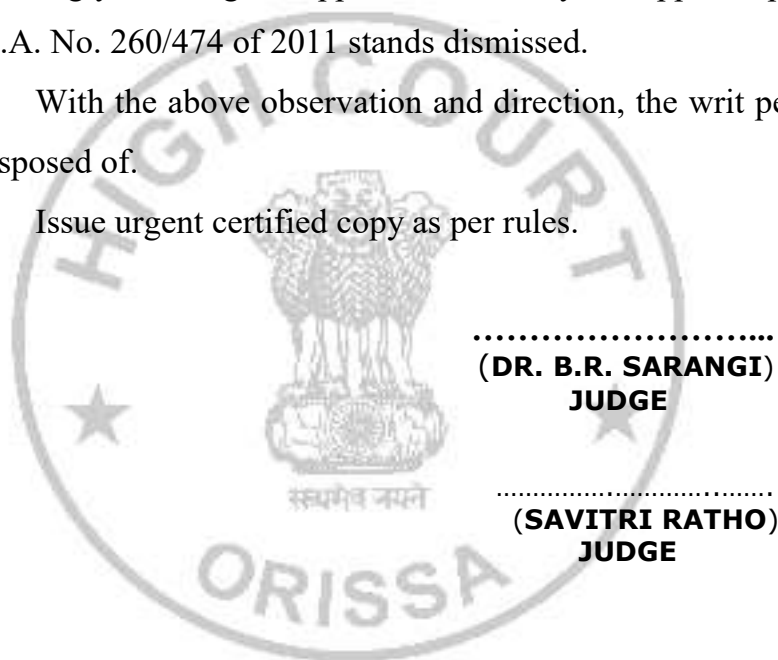
had disposed of the matter relying upon the judgment dated 05.09.2014 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 1427 of 2012. But the said judgment was challenged before the Delhi High Court in W.P.(C) No. 2853 of 2015 and the High Court of Delhi, after giving opportunity of hearing to all the parties, set aside the said judgment. As such, the order impugned also suffers from the vice of order of the Delhi High Court.

7. In that view of the matter, the order dated 12.12.2018 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/474 of 2011 cannot sustain in the eye of law and is liable to be quashed and is hereby quashed. Accordingly, the original application filed by the opposite parties in O.A. No. 260/474 of 2011 stands dismissed.

8. With the above observation and direction, the writ petition is disposed of.

Issue urgent certified copy as per rules.

Ashok/Puspa



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(DR. B.R. SARANGI)
JUDGE

.....
(SAVITRI RATHO)
JUDGE