

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 34999 of 2020

State of Odisha and others

.....

Petitioners

Mr. B.P.Tripathy, AGA

Vs.

Sambhu Bhusan Jally and others

.....

Opposite parties

Mr. K.C.Sahu, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

09.03.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr.B.P.Tripathy, learned Addl. Government Advocate for the petitioners-State and Mr. K.C.Sahu, learned counsel for the opp. parties 1 to 9.

3. The petitioners-State have filed the present writ petition assailing the order dated 05.09.2018 passed by the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No.2277 of 2018, by which the tribunal disposed of the said case keeping in view the ratio decided in O.A. No.2023/2015 and O.A. No.1547/2018 (order dated 10.07.2018). Nothing has been indicated/ mentioned in the record that against the said order, the State has preferred a writ petition or not and as to whether the same has been set aside by this Court or by the Apex Court.

4. Mr. B.P.Tripathy, learned Addl. Government Advocate contended that since the order passed by the Tribunal dated 05.09.2018 has been assailed before this Court in the present writ

petition on 10.12.2020 on various grounds, therefore, this Court may entertain the writ petition and dispose of the same in accordance with law.

5. Mr. K.C.Sahu, learned counsel for the opp. parties contended that the State is taking different stand on similar cases and using pick & chose method. In similar batch of cases the benefits have already been extended to the parties by complying the order passed in the writ petition against the order passed by the Tribunal. More so, the present impugned order passed by the Tribunal on 5.9.2018 has been assailed before this Court on 10.12.2020, i.e., after lapse of two years and no reasons have been assigned why the petitioner has approached this Court at a belated stage.

6. Similar matters have come up for consideration before this Court in W.P. (C) No.22057 of 2019 (*State of Odisha and others v. Sanjulata Sethy & others*), wherein this court dismissed the said case vide order dated 15.07.2019 as it suffers from laches. In that view of the matter, the opposite party stands on the same footing as that of Sanjulata Sethy (supra). On merits also, the case of the opposite parties stand in the same footing as that of the opposite parties in the case of *State of Odisha and others v. Trilochan Gochhayat and another* in W.P. (C) No.37783 of 2020 disposed of on 24.02.2021 and consequent order passed in W.P. (C) No.4099 of 2021 (*State of Odisha and others v. Ajaya Kumar Behera and others*) in which one of us (Miss Justice Savitri Ratho) was a member and W.P. (C) No.11411 of 2021 (*State of Odisha and others v. Asit Kumar Sahoo and another*) disposed

of on 01.11.2021.

7. In view of the above, this writ petition is devoid of merit stands dismissed, in terms of the ratio decided in the aforementioned cases.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi

