

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 35303 of 2021

State of Odisha and others

.....

Petitioners

Mr. P.P. Mohanty, AGA

Vs.

Shisir Kumar Das

.....

Opposite Parties

Mr. K.C. Sahu, Advocate, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

04.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. P.P. Mohanty, learned Additional Government Advocate and Mr. K.C. Sahu, learned counsel for the Opposite Party No.1.

3. The State-Petitioner has filed this Writ Petition, assailing the order dated 03.01.2018 passed by Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 870 of 2016, by which the Tribunal, while quashing the order cancelling the RACP granted in favour of the Opposite Party, directed that Opposite Party shall be governed under OCS (Pension) Rules, 1992 and GPF (O) Rules, 1938 and shall be allowed the benefits to contribute GPF in her GPF account number already assigned to her.

4. Mr. P.P. Mohanty, learned Additional Government Advocate, contended that the matter should be heard extensively and decided on its own merit.

5. Mr. K.C. Sahu, learned counsel for the Opposite Party, on the other hand, contended that a similar matter had come up for

consideration before this Court at the instance of the State in W.P.(C) No. 22057 of 2019, which was dismissed on 15.07.2021 on the ground of delay and laches, as the same was filed with delay of three and half years. Therefore, the present Writ Petition, having been filed with a delay of more than three years, in view of the ratio decided by this Court in the case of ***State of Odisha & Ors. vrs. Sanjulata Sethy & Ors***, is liable to be dismissed. It is also contended that the against the order passed in ***Sanjulata Sethy*** (supra), the State has preferred Special Leave to Appeal No. 3465 of 2021, which was also dismissed, vide Order dated 11.03.2022.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that this Writ Petition has been preferred by the State after expiry of more than three years. Therefore, the ratio decided by this Court in the case of ***State of Odisha & Ors. vrs. Sanjulata Sethy & Ors*** is squarely applicable to the present case.

7. Accordingly, this Writ Petition stands dismissed in terms of the order dated 15.07.2021 passed in W.P.(C) No. 22057 of 2019. Resultantly, the Opposite Party is entitled to get the benefits in terms of the order passed by the Tribunal.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Padma

(S.K. MISHRA)
JUDGE