

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC (CPC) No.230 of 2017

Kedar Gouri Patra

.... **Petitioner**
Mr. B. Sahoo (1), Adv.

-versus-

**Krushna Gopal Mohapatra,
Commissioner State Co-
operative Election, BBSR &
Others**

.... **Opposite Parties**
Mr.B. Panigrahi, ASC

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

ORDER
19.07.2023

I.A. No.60 of 2022

Order No

- 03.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B. Sahoo (1), learned counsel appearing for the Petitioner and Mr. B. Panigrahi, learned Addl. Standing Counsel for the State-Opposite Parties.
3. This I.A has been filed seeking recalling of the order dated 15.02.2022.
4. It is contended by Mr. Sahoo, learned counsel for the Petitioner that the order passed by the Tribunal on 16.02.2017 was never complied with and basing on a wrong submission made by the learned Addl. Government Advocate, the Contempt Petition was dropped vide order dated 15.02.2022. It is accordingly contented that the said order is liable to be recalled.
5. Mr. Panigrahi, learned Addl. Standing Counsel made his submission basing on the stand taken in the show cause so filed by Opposite Party-Contemnor as well as the

instruction provided to him by the State Co-operative Election Commission on 08.02.2018.

5.1. It is contended that after disposal of the O.A vide order dated 16.02.2017, the matter was re-examined by the Government and the Petitioner vide order dated 27.04.2017 was posted to the Office of ARCC, Khurda. But in terms of the said order the Petitioner never joined and taking advantage of the order so passed by the Tribunal on 16.02.2017, he submitted his joining before the Commission on 20.02.2017.

5.2. It is also contended by Mr. Panigrahi that by the time the Petitioner approached the Tribunal in O.A No.395(C) of 2017 challenging the order of transfer, he was already relieved from the establishment of the Commission, but by suppressing the said fact he obtained the order from the Tribunal for re-consideration of his claim and a further order that he will be allowed to continue in the Office of the State Co-operative Election Commission. Since by the time the Petitioner approached the Tribunal, he had already been relieved and that fact was not brought to the notice of the Tribunal, the order was passed on 16.02.2017 for reconsideration along an interim order.

But the fact remains that after disposal of the matter and after due consideration, a fresh order was passed by the posting the Petitioner to the Office of ARCC, Khurda on 25.04.2017.

6. In view of the order passed on 25.04.2017 after disposal of the matter on 16.02.2017, this Court is of the view that no wrong submission was made by the learned

Addl. Govt. Advocate regarding compliance of the order. Accordingly, this Court finds no merit in the I.A for recalling of the order dated 15.02.2022.

7. Accordingly, the I.A stands dismissed.

(Biraja Prasanna Satapathy)
Judge

Subrat



Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: ..
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 24-Jul-2023 14:03:21

