

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 32741 of 2022

Duryodhan Mohanty

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Petitioner
Mr. S.K. Ojha, Adv.

Vs.

Union of India and others

.....

Opposite Parties
Mr. J. Naik, CGC along with
Mr. P.K. Parhi, DSGI

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

13.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Ojha, learned counsel for the petitioner and Mr. J. Naiak, learned Central Government Counsel appearing along with Mr. P.K. Parhi, learned Dy. Solicitor General of India for the opposite parties.
3. The petitioner has filed this writ petition challenging the order dated 25.03.2022 passed in O.A. No. 260/00509 of 2021 under Annexure-4, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack has disposed of the original application only considering grievance of the petitioner by granting the benefit of TRCA for the period from 08.02.2017 till 16.08.2017 at the rate he was getting at the time of his removal, which shall be calculated and paid to the petitioner within a period of sixty days.
4. Mr. S.K. Ojha, learned counsel for the petitioner, at the outset, contended that though the judgment was reserved by the tribunal on 10.02.2022, but the same was pronounced on 25.03.2022, which is in gross violation of rules governing the field. It is contended that the petitioner had raised two points before the tribunal, which have been recorded in the judgment itself, that the opposite parties may be directed to grant the service

and financial benefits from the date of removal, i.e., 24.02.1998 till reinstatement 16.08.2017, and that to revise/refix his pay with reference to his pay which he was drawing at the time of his termination from service. It is contended that though the tribunal allowed the first prayer of the petitioner vide order dated 25.03.2022, but no order was passed with regard to other one. Thereafter, though the petitioner filed review application bearing R.A. No. 260/0002 of 2022, but the same was dismissed by the tribunal vide order dated 07.11.2022 under Annexure-6 rejecting the prayer of the petitioner.

5. Mr. J. Naiak, learned Central Government Counsel appearing along with Mr. P.K. Parhi, learned Dy. Solicitor General of India for the opposite parties states that the tribunal is well justified in passing the order impugned and, as such, this Court should not interfere with the same at this stage.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that admittedly the tribunal heard the matter and reserved the same on 10.02.2022 and pronounced the same 25.03.2022 beyond the time limit prescribed under Section 105 (b) of the C.A.T. Rules of Practice 1993, wherein it has specifically prescribed that the order shall be pronounced within three weeks from the date of reserve. This question is no more *res integra* in view of the judgment passed by this Court in the case of **Nityananda Barik v. Union of India** (W.P.(C) No. 16659 of 2014 disposed of on 05.05.2022). Thereby, the judgment so passed by the tribunal cannot be sustained in the eye of law. So far as the relief granted to the petitioner is concerned, since the tribunal granted relief with regard to first prayer of the petitioner by directing the opposite parties to extend benefit to him, equally the tribunal has to give a finding with

regard to second relief prayed by the petitioner. But this Court is not delving into that issue, reason being since there is non-compliance of the provisions contained under Section 105 (b) of the C.A.T. Rules of Practice 1993 by delivering the judgment, the order dated 25.03.2022 passed in O.A. No. 260/00509 of 2021 under Annexure-4 and order dated 07.11.2022 passed in R.A. No. 260/0002 of 2022 under Annexure-6 cannot be sustained in the eye of law and the same are liable to be quashed and are hereby quashed. The matter is remitted back to the Central Administrative Tribunal, Cuttack Bench, Cuttack for its fresh disposal by giving opportunity of hearing to all the parties.

7. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

Ashok

