

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.38462 of 2021

*Commissioner-cum-Secretary,
Health and Family Welfare
Department, Odisha and others*

.....

Vs.

Smt. Sunita Rath and others

.....

Petitioners

Mr. B.P.Tripathy, AGA

Opposite Parties

*Mr. K.C.Sahu, Adv
(O.P.1)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.04.2022

Order No.
02.

This matter is taken up through hybrid mode.

2. Heard Mr. B.P. Tripathy, learned Additional Government Advocate and Mr. K.C. Sahu, learned counsel for the opposite party No.1.

3. The petitioner files this writ petition, assailing the order dated 17.04.2019 passed by Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No.646 of 2015, by which the Tribunal while quashing the order cancelling the GPF account number granted in favour of opposite party no.1, directed that opp. party no.1 shall govern 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. B.P. Tripathy, 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 no.1 on the other hand contended that a similar matter had come up for

consideration before this Court 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 two and half years. Therefore, the present writ petition, having been filed with a delay of three years, in view of the ratio decided by this Court in the case of ***State of Odisha & Ors. vrs. Sanjulata Sethy & others***, is liable to be dismissed.

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 3 years. Therefore, the ratio decided by this Court in the case of ***State of Odisha & Ors. vrs. Sanjulata Sethy & others*** 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 2021. Resultantly, opp. party No.1 is entitled to get the benefits in terms of the order passed by the Tribunal.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE