

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 39270 of 2021

State of Odisha and others

.....

Petitioners

Mr. A.K. Mishra, A.G.A.

Vs.

Debendra Nath Patra

.....

Opposite Parties

Mr. P.K. Mishra, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

08.03.2022

Order No.

1.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Addl. Government Advocate for the petitioners and Mr. P.K. Mishra, learned counsel for private opposite party no.1.

3. The petitioners-State have filed this writ petition assailing the order dated 09.01.2019 passed in O.A. No.1374 of 2018 and batch, wherein the Odisha Administrative Tribunal has allowed the benefit of RACP in favour of the private opposite party-1.

4. Mr. A.K. Mishra, learned Addl. Government Advocate for the petitioners states that the opposite party no.1 is not entitled to the RACP and, therefore, State preferred this writ petition challenging the order dated 09.01.2019 passed by the tribunal in O.A. No.1374 of 2018 and batch.

5. Mr. P.K. Mishra, learned counsel for private opposite party no.1 brings to the notice of the Court that similar matters have been disposed of by the tribunal and out of that though the petitioners in O.A. No. 1297 of 2018, O.A. No.1243 of 2018, O.A. No.1244 of 2018, O.A. No.1245 of 2018 and O.A. No.1246 of 2018, have already extended with the benefits, the State has

adopted pick and choose method only to cause harassment to the opposite party no.1. It is further contended that similar matter had come up for consideration before this Court in W.P.(C) No. 15763 of 2021 (*State of Odisha v. Surama Manjari Das*), which was dismissed on the ground of laches.

6. Having heard learned counsel for the parties and after going through the records, this Court takes the similar view, as was taken in the case of *State of Odisha v. Surama Manjari Das* (W.P.(C) No. 15763 of 2021 dismissed on 16.07.2021), and accordingly this writ petition is dismissed on the ground of laches in terms of the aforesaid order.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok

