

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 39548 of 2021

State of Odisha and Others *Petitioners*
Mr. M.K. Khuntia, Addl. Govt. Advocate
-versus-
Ramesh Chandra Behera and Others *Opposite Parties*
None

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK

Order No.

ORDER
02.02.2022

01. 1. This matter is taken up by video conferencing mode.
2. It is seen that the challenge in the present petition is to two orders of the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar (OAT); one is dated 17th July, 2017 in O.A. No.21 of 2013 and the other is an order dated 29th January, 2019 in Review Petition No.12 of 2018. The present petition was, however, filed on 30th November, 2021 i.e. more than four years after the first mentioned order and nearly three years after the second mentioned order. There is no satisfactory explanation in the petition for inordinate delay in filing the petition except in para 39, which reads as under:

“39. That, it is humbly submitted that after receipt of the impugned orders, the petitioners have examined the matter and submitted the required documents in the office of the Advocate General, Odisha vide letter dt. 09.12.2019 for filing of the writ petition

challenging the said impugned orders. Due to the restrictions imposed by the Government from time to time on account of COVID-19 pandemic, the concerned officer could not come to the office of the Advocate General for necessary discussion and finalization of the said writ petition. However, after relaxation of restrictions, the concerned officer proceeded to the office of the Advocate General and after due discussion with the learned State Counsel, the present petition was drafted and presented without further delay. Under such circumstances, the delay in filing the writ petition is not deliberate but due to certain official procedures which were beyond the control of the petitioners. There is no deliberate laches nor willful negligence on the part of the petitioners in filing the writ petition and the delay is unintentional and bona fide.”

3. The above explanation being totally unsatisfactory and the period of delay being long prior to onset of COVID-19 pandemic the Court is not satisfied that any cogent and reasonable explanation has been offered. The writ petition is accordingly dismissed on the ground of laches.

4. However, any question of law arising out of the impugned order is left open for decision in some other appropriate case. It is clarified that the impugned order of the OAT will not be a precedent.

5. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in

the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7th January, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.

