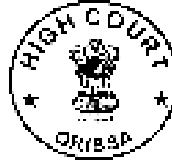


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Signed by: MADHUSMITA SAHOO
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 17-Feb-2025 11:43:55



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 41806 OF 2021

Ramesh Chandra Behera ***Petitioner***

Mr. Gopal Prasad Jena, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE R.K. PATTANAIK

Order No.

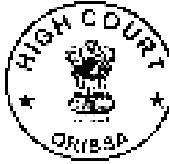
ORDER
14.02.2025

I.A. No.14919 of 2023 & I.A. No.6451 of 2024

3.
 1. This matter is taken up through hybrid mode.
 2. These applications have been filed to condone the delay of more than one year in filing I.A. No.14918 of 2023, which has been filed to recall the order dated 19th January, 2022 passed in W.P.(C) No.41806 of 2021.
 3. From the record, it appears that I.A. No.14918 of 2023 was filed on 7th May, 2024 whereas the order sought to be recalled was passed on 19th January, 2022. Thus, there is a delay of more than one year in filing the I.A. No.14918 of 2023. Hence, these I.A.s have been field for condonation of delay.
 4. Mr. Jena, learned counsel for the Petitioner submits that after disposal of the writ petition on 19th January, 2022, the Petitioner could not collect the relevant documents due to intervening outbreak of pandemic of COVID-19. After

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normalcy was restored in August, 2022, the Petitioner made attempt to collect the documents. But, due to his serious illness, as he was suffering from chronic back pain and neck pain, he could not move and contact his counsel to file the petition to recall the order dated 19th January, 2022 passed in W.P.(C) No.41806 of 2021. Medical certificate in support of his illness has been annexed to the petition (I.A. No.6451 of 2024), wherein, it was opined by the treating physician that absence from duty for 365 days was felt necessary for restoration of Petitioner's health. The Petitioner was declared fit vide certificate dated 21st May, 2023 issued by the treating physician.

5. From the I.A. No.6451 of 2024, it reveals that the petition was filed on 7th May, 2024. It also appears that earlier the Petitioner had filed I.A. No.1160 of 2022 for the self-same relief sought for as in I.A. No.14918 of 2023. The said application was dismissed vide order dated 14th February, 2022 with the following order:

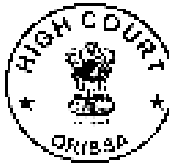
"I.A. No.1160 of 2022

1. *This application is disguised as an Interlocutory Application for clarification when in fact it seeks a review of the Court's order.*
2. *The Court is, therefore, not inclined to entertain this application. The I.A. is dismissed."*

6. Thus, it appears that the plea taken by the Petitioner that he could not arrange the documents immediately to file the I.A. is not correct, as he was, in fact, filed similar nature of petition, i.e., I.A. No.1160 of 2022 for the self-same relief sought for in I.A. No.14918 of 2023. Further the medical certificate annexed to the

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I.A. does not disclose the exact period for which the Petitioner was advised to remain absent from duty. Thus, the grounds stated in the aforesaid I.A.s are not sufficient to condone the delay in filing the I.A. No. 14918 of 2023.

7. In that view of the matter, this Court is not inclined to condone the delay in filing the I.A. No.14918 of 2023.

8. Accordingly, the I.A.s stand dismissed.

(K.R. Mohapatra)
Judge

(R.K. Pattanaik)
Judge

4. **I.A. No.14918 of 2023**

1. This I.A. has been filed for recall of the order dated 19th January, 2022 by which W.P.(C) No.41806 of 2021 was disposed of.

2. Since I.A. No.14919 of 2023 & I.A. No.6451 of 2024 filed for condonation of delay of more than one year in filing I.A. No.14918 of 2023 have already been dismissed and petition of similar nature in I.A. No.1160 of 2022 has already been dismissed on merit vide order dated 14th February, 2022, this I.A. stands dismissed.

(K.R. Mohapatra)
Judge

(R.K. Pattanaik)
Judge