IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.19300 of 2026
(CNR No. ODHC010425942026)

Jitendra Biswal …. **Petitioner**
Mr. P.C. Nayak, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**
Mr. C.M. Singh, ASC
Mr. P.K. Parhi, DSGI
along with Mr. D. Gochhayat, CGC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No.

02. 1. Heard Mr. Nayak, learned counsel for the petitioner and Mr. Singh, learned ASC for the State. Recorded the submission of Mr. Parhi, learned DSGI appearing along with Mr. Gochhayat, learned CGC that there is no claim against opposite party No.6. However, Mr. Nayak, learned counsel would submit that a security deposit is lying with opposite party No.6. The submission of Mr. Parhi, learned DSGI is that the security amount cannot be released without the impugned order being set aside. With the above submissions recorded, the matter is taken up for hearing and disposed by the following order.

2. Instant writ petition is filed by the petitioner to permit him to avail the appropriate remedy before the competent court vis-à-vis the dispute arising out of the office order dated 11th February, 2019 as at Annexure-2, whereby, penalty of

Rs.6,19,188/- was imposed granting reasonable time with protection against any coercive action against him for the reasons stated.

3. Mr. Nayak, learned counsel for the petitioner submits that the petitioner had earlier approached in W.P.(C) No.4337 of 2019 disposed of by this Court by order dated 26th November, 2021 as at Annexure-3, thereby, granting the liberty to him to approach the learned Civil Court with the dispute seeking interim order against the decision by office order dated 11th February, 2019. Mr. Nayak, learned counsel would further submits that the petitioner could not avail any such remedy within the period stipulated, hence, filed I.A. No.2209 of 2022 on 14th February, 2022. A copy of the I.A. is at Annexure-4, referring to which, Mr. Nayak, learned counsel submits that the same was not pressed instead mediation was attended and accordingly, it was placed for consideration in Pre-Litigation Mediation Proceeding No.48 of 2024. A copy of the said petition is at Annexure-5. Further referring to Annexure-6, a copy of the order of the Mediator dated 18th July, 2025, consequent upon the pre-litigation mediation proceeding, it is submitted that the same was unsuccessful and in such view of the matter, the petitioner should be granted the liberty to approach the Court in question to avail remedy as was earlier allowed vide order at Annexure-3.

4. Recorded the objection of Mr. Singh, learned ASC for the State and according to him, the writ petition is time barred

and not to be entertained in view of the order in W.P.(C) No. 4337 of 2019 dated 26th November, 2021.

5. The limited grievance of the petitioner is about seeking grant of permission to him to approach the Civil Court in terms of the order at Annexure-3. Admittedly, there has been delay in compliance of the order of this Court in W.P.(C) No. 4337 of 2019 but according to Mr. Nayak, learned counsel, the same is required to be condoned in the interest of justice referring to Annexure-4 and for the initiation of pre-litigation mediation in the year 2024 disposed of on 18th July, 2025 and when, it could not become successful. Having regard to the above facts and the challenge to the action of the Authority concerned towards imposing penalty by a decision and order dated 11th February, 2019 at Annexure-2 and taking into account the fact that the petitioner was allowed to have a mediation with the initiation of proceeding in 2024, this Court is inclined to condone the delay whatsoever having taken place in order to provide an opportunity for the petitioner to approach the Civil Court challenging the same complying the order in W.P.(C) No.4337 of 2019 within the extended period of time, as such a course of action would serve the purpose and meet the ends of justice.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the direction to the petitioner to approach the Jurisdiction Court in terms of the order in W.P.(C) No.4337 of 2019 as at

Annexure-3 within a period of four weeks, which is to commence from today.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 13-Nov-2026 12:33:46