IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 1089 of 2026
CNR No.ODHC010581292026

State of Odisha and others .... ***Appellants***
Mr. Debashis Tripathy, Additional Government Advocate

-versus-

Bijay Kumar Nayak .... ***Respondent***
Mr. Dipti Ranjan Bhokta, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER
09.11.2026

Order No.

01. ***I.A. No.2459 of 2026 and W.A. No.1089 of 2026***

1. This is an application for condonation of delay of 124 days in preferring the instant appeal against the judgment of the Single Bench dated 6th February, 2026 passed in W.P.(C) No.18448 of 2022.

2. It is averred in the instant application that after the said judgment passed on 6th February, 2026, the same was duly communicated to the Superintendent of Police, Malkangiri on 10th February, 2026. However, the said Superintendent of Police further communicated the said judgment to the Inspector General (Personnel), Odisha on 24th February, 2026 seeking for clarification.

3. Though the response was sought by the said Inspector General on 26th March, 2026, after having given the same, there was a complete silence till 15th July, 2026 when the matter was transmitted to the Office of the learned Advocate General to challenge the said order. There is no explanation for nearly four months between the clarification as sought by the Inspector General of Police and the decision as they have been taken thereupon.

4. It is no longer *res integra* that the State is not a privileged litigant and, therefore, does not deserve different treatment to be taken. Even if the Court takes into consideration the immobility in the Government Department, as the file takes a longer time to travel from one desk to another, yet there should be a symmetry of the facts and the circumstances occasioning the delay and, in the event, there is no explanation for a longer period, there is no inhibition on the part of the Court to dismiss the appeal on the ground of limitation.

5. We are conscious that day-to-day explanation is not required, yet there should be a parity of the facts within the close proximity in order to assess whether the appellants were diligent and careful in pursuing the remedy provided in the statute. In the event,

the Court finds the explanation lacking into the pleadings, it does not invite the Court to condone the delay merely on such *ipse dixit*.

6. In the instant case, we do not find that the appellants have been able to sufficiently explain the delay occasioned in filing the instant appeal.

7. Accordingly, this Interlocutory Application for condonation of delay is dismissed. Consequently, the instant writ appeal is dismissed.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

Sisira

Signature Not Verified
Digitally Signed
Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Nov-2026 17:59:08