**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**W.P.(C) No.27237 of 2024**
**CNR No.ODHC010771142024**

***Bighneswar Satapathy*** .... ***Petitioner***

*Mr. B. Satapathy, In person*

*-versus-*

***State of Odisha and Others*** .... ***Opposite Parties***

*Mr. S. Das, ASC*

**CORAM:**
**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**
**10.11.2026**

**Order No.**

**04.** **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

**2.** While submitting the No Objection obtained from his engaged counsel, petitioner contended that he may be permitted to argue the matter in person. No Objection given by the engaged counsel so produced in Court be kept in record.

**3.** Heard Mr. B. Satapathy, the petitioner in person and Mr. S. Das, learned Addl. Standing Counsel for the State.

**4.** The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"It is, therefore, prayed that your Lordships may be pleased to quash the impugned order of rejection of appeal by the Govt./O.P. No.1 on dtd.27.09.2024 under Annexure-13 and also the order of penalty dt.22.11.2017 under Annexure-7 and direct the State/O.Ps to sanction and disburse the pension and pensionary benefits along with all arrear benefits to the petitioner within a stipulated time as would be fixed by the Hon'ble Court.*

*And pass any other order/orders as deemed fit and proper in the ends of justice."*

**5.** It is contended that challenging the impugned order passed by the Collector on 22.11.2017 under Annexure-7, petitioner was before this Court in W.P.(C) No.18601 of 2024. It is contended that the said Writ Petition was disposed of by this Court vide order dated 12.08.2024 under Annexure-11, *inter alia* with the following direction so contained in Para-8. Para-8 of the order reads as follows:-

*"8. In the result, the writ petition stands disposed of with the directions as aforesaid. It is further directed that in the event the appeal is filed by the petitioner, it shall be entertained by Opp. Party No.1 and disposed of on merit considering the plea for interim relief against recovery of Rs.40,000/- followed by an final order at the earliest preferably within a period of ten days from the date of receipt of a copy of this order."*

**5.**1. Petitioner contended that on the face of such specific direction of this Court, appeal filed by the petitioner was rejected on the ground of delay. It is contended that since this Court directed Opp. Party No.1 to dispose of the appeal on merit, the same could not have been disposed of on the ground of delay.

**6.** Even though a counter affidavit has been filed by the State but it is found that the same has been filed by the Opp. Party Nos.2 and 3, even though the impugned order has been passed by Opp. Party No.1. Nothing is also found from the counter, with regard to

following the direction issued by this Court in its order under Annexure-11.

**7.** Having heard the Petitioner in person and learned Addl. Standing Counsel, this Court is of the view that on the face of the order passed in the earlier Writ Petition under Annexure-11, Opp. Party No.1 could not have dismissed the appeal on the ground of delay vide the impugned order dated 27.09.2024 under Annexure-13. While quashing the said order and with a direction on the Opp. Party No.1 to re-decide the appeal on merit in terms of the order passed by this Court under Annexure-11, this Court impose a cost of Rs.20,000/- on the State for compelling the petitioner to approach this Court once again on the face of the order passed in the earlier Writ Petition.

**7.**1. Let the cost be paid to the petitioner by way of a Demand Draft within a period of 2(two) weeks from the date of receipt of this order. Opp. Party No.1 is further directed to dispose of the appeal on merit within a period of 4(four) weeks from the date of payment of the cost so imposed.

**8.** The Writ Petition stands disposed of accordingly.

**(Biraja Prasanna Satapathy)**
**Judge**

Signature Not Verified
Basudev
Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 12:17:39