

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 124 of 2012 & Batch

FAO No.124 of 2012

Madan Mohan Panda

.... ***Appellant***

Ms. D.N. Rath, Advocate & Associates

-versus-

State of Odisha and others

.... ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.78 of 2017

State of Odisha and another

.... ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Sukanta Kumar Panda and another

.... ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.324 of 2017

State of Odisha and another

.... ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Chittaranjan Dhal and another

.... ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.373 of 2017

Binod Bihar Das

.... ***Appellant***

M/s. K.K. Swain, Advocate & Associates

-versus-

State of Odisha and others

.... ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.377 of 2017

State of Odisha and another

.... ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Govinda Chandra Dash and another

.... ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.408 of 2017

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Sailendra Kumar Pattnayak and another ***Respondents***

M/s. Sangram Jena, Advocate & Associates

FAO No.475 of 2017

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Sanjib Kumar Dash and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.499 of 2017

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Pitabas Pradhan and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.13 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Dhabal Kumar Barik and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.22 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Jogesh Chandra Panda and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.23 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Niranjan Patra and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.28 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Priya Ranjan Rath and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.32 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Rabindra Kumar Dash and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.37 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Niranjan Panda and another ***Respondents***

M/s. D.K. Mohapatra, Advocate & Associates

FAO No.137 of 2018

Urmilabala Swain ***Appellant***

M/s. J.K. Lenka, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.214 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Pramod Kumar Pradhan and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.404 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Bhagaban Biswal and another ***Respondents***

M/s. D.K. Mohapatra, Advocate & Associates

FAO No.418 of 2018

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Bibhuti Bhusan Samal and another ***Respondents***

M/s. P. Chuli, Advocate & Associates

FAO No.531 of 2018

Pramod Kumar Rana ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.106 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Choudhury Sibaprasad Dash and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.120 of 2019

Parameswar Dey and another ***Appellants***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.121 of 2019

Srinibas Swain ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.122 of 2019

Sanjeeb Kumar Patra and others ***Appellants***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.126 of 2019

Sanjib Kumar Dash ***Appellants***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.154 of 2019

B. Jogendra Reddy ***Appellants***

M/s. S.K. Das, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.156 of 2019

Jayanta Kumar Panda ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.186 of 2019

Sishir Kumar Behera ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.188 of 2019

Raj Kumar Sahu and others ***Appellants***

M/s. R.M. Mishra (II), Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.314 of 2019

Paramananda Samantaray and others ***Appellants***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.318 of 2019

Srikanta Ballava Samanta ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.337 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Kasinath Swain and another ***Respondents***

M/s. R.P. Dali, Advocate & Associates

FAO No.343 of 2019

Mita Rout ***Appellant***

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.354 of 2019

Pabitra Mohan Sahni ***Appellant***

M/s. S.K. Das, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.364 of 2019

Duryodhan Sethi and others ***Appellants***

M/s. D.N. Rath, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.388 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Bijaya Kumar Pati and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.389 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Smrutirekha Lenka and another ***Respondents***

M/s. S. Samal, Advocate & Associates

FAO No.408 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Subasish Jena and another ***Respondents***

M/s. R.K. Behera, Advocate & Associates

FAO No.417 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Umesh Chandra Biswal and another ***Respondents***

M/s. Ramesh Ku. Behera, Advocate & Associates

FAO No.418 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State

-versus-

Harmohan Mohanty and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.429 of 2019

Swadhin Kumar Sahoo @ Swadhina ***Appellant***
Kumar Sahoo

M/s. Sangram Jena, Advocate & Associates

-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.439 of 2019

Gunakar Panda and others ***Appellants***

M/s. S. Mohanty, Advocate & Associates
-versus-

State of Odisha and others ***Respondents***

Mr. Arnab Behera, ASC for the State

FAO No.621 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Niranjan Parida and another ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

FAO No.643 of 2019

State of Odisha and another ***Appellants***

Mr. Arnab Behera, ASC for the State
-versus-

Sarat Kumar Mishra and others ***Respondents***

M/s. S.N. Sharma, Advocate & Associates

**CORAM:
THE CHIEF JUSTICE**

ORDER

23.06.2023

Order No.

I.A. Nos.1397 of 2019, I.A. No.331 of 2022, I.A. No.1464, 1241 of 2019, I.A. No.338 of 2022, I.A. Nos.1540, 1204, 1211, 1423, 1214, 1208, 1217, 1216, 1164, 1447 of 2019, I.A. No.354 of 2021, I.A. No.1264, 1498 of 2019, I.A. No.179 of 2022, I.A. No.352 of 2021, I.A. No.1370, 1391, 1384, 1386, 1692, 1456, 1446, 1405, 1454, 1388, 1419, 1363 of 2019, I.A. No.3 of 2020, I.A. Nos.1404, 1318, 1213, 1429, 1430 of 2019 I.A. No.353 of 2021, I.A. Nos.1450, 1394, 1321 & I.A. No.1317 of 2019

20. 1. In view of the judgment dated 25th February, 2021 in ***State of Odisha v. Bichitrananda Mohapatra 2021 (I) OLR- 664*** the orders in question passed in the respective FAOs are hereby recalled and the

corresponding FAOs are restored to file. The I.As. are accordingly disposed of.

FAO Nos.124 of 2012, FAO Nso.78, 324, 373, 377, 408, 475, 499 of 2017, FAO Nos.13, 22, 23, 28, 32, 37, 137, 214, 404, 418, 531 of 2018, FAO Nos.106, 120, 121, 122, 126, 154, 156, 186, 188, 314, 318, 337, 343, 354, 364, 388, 389, 408, 417, 418, 429, 439, 621, 643 of 2019

2. Issue Notice. Respective learned counsels accept notice for Respondent No.1 in all the FAOs. Notice will now be issued to the remaining Respondents including the respective Governing Bodies through Registered/Speed Post with A.D., making it returnable before the next date. Requisites for which shall be filed within three working days.

3. Copies of the aforementioned FAOs be served on learned counsel for the respective Respondent No.1 within three days. It is pointed out by learned counsel for the State that all these appeals required to be allowed in view of the judgments of the Supreme Court of India in ***State of Odisha v. Anup Kumar Senapati (2019) 19 SCC 626***, judgment dated 29th October, 2021 of the Division Bench of this Court in W.A. No.401 of 2021 (***Secretary, Government of Odisha v. Jashobanta Baral***) and the judgment of the learned Single Judge dated 7th February, 2023 in FAO No.659 of 2014 (***State of Odisha v. Minaketan Behera***).

4. Learned counsel for the respective parties shall examine the above judgments and make submissions on the next date.

5. List along with FAO No.491 of 2019 on 17th July, 2023.

(Dr. S. Muralidhar)
Chief Justice

S. Behera

Signature Not Verified

Digitally Signed
Signed by: SUMANTA BEHERA
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Jun-2023 15:49:16