



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8429 of 2024

***Pabitra Kumar Behera and
others***

Petitioners

Represented by Adv.-
Mr. S. Dash, Advocate

-versus-

State of Odisha and others

Opposite Parties

Represented by Adv.-
Mr. A.K. Nanda, AGA
Mr. B. Das Mohapatra, Advocate
(for opposite party no.2)
Mr. N.K. Mishra, Advocate
Mr. A. Mishra, Advocate
(for opposite party no.3)

CORAM:

**THE HON'BLE MR. JUSTICE ARINDAM SINHA
AND
THE HON'BLE MR. JUSTICE M.S. SAHOO**

**ORDER
16.05.2024**

Order No.

03.

1. Mr. Dash, learned advocate appears on behalf of petitioners and with reference to record of his submission in order dated 16th April, 2024 submits, there was specific direction by co-ordinate Bench on order dated 10th May, 2016, disposing of WP(C) no.2784 of 2016 (Pabitra Kumar Behera and others v. State of Orissa and others). In the premises, the tribunal acted in excess of its power requiring refund of the monetary benefit.



2. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of opposite party no.1, while Mr. Das Mohapatra, learned advocate, for opposite party no.2 and Mr. Mishra, learned advocate, for opposite party no.3.

3. Reproduced below is paragraph-4 from said order dated 10th May, 2016.

“4. Considering the above, this Court disposes of this Writ Petition with a direction to the Asst. Labour Commissioner- opposite party no.3 to take appropriate action on the complaint made by the petitioners on 04.9.2015 under Annexure-7 in accordance with the statutory provisions i.e. under Section 12 read with 12 (4) of the Industrial Disputes Act, 1947. It is needless to say that on consideration of the complaint, opposite party no.3 shall pass a reasoned order within the time specified under said Section from the date of production of certified copy of order along with a copy of this Writ Petition.”

4. For purposes of adjudication of this writ petition we require the writ file [WP(C) no.2784 of 2016]. It be produced.

5. List on 28th June, 2024.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge