



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.416 of 2024

State of Odisha & Another **Appellants**
Mr. S.B. Mohanty, AGA
-Versus-

Balaram Parida & Others **Respondents**
Mr. P.K. Behera, Advocate

CORAM:
JUSTICE KRISHNA S. DIXIT
JUSTICE CHITTARANJAN DASH

Order No.
03.

ORDER
06.05.2026

W.A. Nos.416 & 1530 of 2024

The Intra-Court Appeal in W.A. No.416 of 2024 filed by the State seeks to call in question a learned Single Judge's order dated 31.10.2023, whereby Respondents' W.P.(C) No.34832 of 2023 having been favoured, relief has been accorded vide paragraph.7, which reads as under:

“7. Having heard learned counsels for the Parties and placing reliance on the judgment in W.P.(C) No.20713 of 2016, and on being satisfied that the issue involved in the writ petition is similar to the issue decided, this Court while disposing the Writ Petition directs that the Petitioner will be entitled to get the benefit of the arrear claim from the date of his entitlement as indicated in his order of approval so issued by the Government in the present writ petition. Such entitlement of the Petitioner as due and admissible be released with due calculation within a period of four (4) months from the date of receipt of this order.”

In companion case, i.e., Writ Appeal No.1530 of 2024 which again is an Intra Court Appeal by the State calls in question a learned Single Judge's order dated 30.08.2023, whereby Respondent-



employees' W.P.(C) No.24752 of 2023 having been allowed, similar relief has been accorded to him as well.

2. After service of notice, the Respondent-employees have entered appearance through their learned counsels, who resist the Appeal both on merits and on the long delay contending that the impugned orders are in terms of Apex Court decision in ***Union of India v. Tarsem Singh***, (2008) 8 SCC 648 case principally followed by ***State of Odisha and others v. Dhiren Kumar Sahoo***, SLP (C) No.9531 of 2024 disposed off on 08.01.2024.

3. In the first appeal, there is a delay of 107 days whereas in the second, it is 242 days. Separate applications are filed in both the matters supported by affidavit offering plausible explanation for the delay brooked. No objections are filed to the subject applications either. No prejudice would be caused to anyone should the short delay in both the matters be condoned and accordingly, we allow the accompanying applications in I.A. No.1173 of 2024 in Writ Appeal No.416 of 2024 and in I.A. No.3926 of 2024 in companion Writ Appeal No.1530 of 2024 and thereby condone the delay brooked therein.

4. Having heard learned counsel for the parties and having perused the appeal papers, we are of the considered opinion that we need not take the trouble of examining the matters on merits once again, inasmuch as they are absolutely covered by our decisions in a host of cases. They are as under:

“W.A. No.1350 of 2024 between State of Odisha &
Others v. Hara Prasad Ray & Another, W.A. Nos.468 &



465 of 2024 between State of Odisha & Others v. Ajit Kumar Mishra & Others, etc.”

In the above appeals, no relief has been granted to the Appellant-State by upholding the orders of the kind made by other learned Single Judges of this Court. We are told that against one such order, SLP(C) Diary No.18952 of 2024 was put in challenge and the same has been negatived by the Apex Court vide order dated 17.05.2024. Similarly, in SLP(C) No.9531 of 2024 the Apex Court vide order dated 29.04.2024 has upheld the view of Co-ordinate Bench of this Court. Therefore, we have no discretion to disobey what the Apex Court has said.

In the above circumstances, these appeals being unworthy of merits are liable to be dismissed and accordingly they are. The impugned orders of the learned Single Judge shall be given effect to within an outer limit of eight weeks, failing which the responsible officials shall run the risk of being held up in contempt proceedings.

Costs having been made reluctantly easy.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge