

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 10636 of 2024

State of Odisha and another

.....

Petitioners

Mr. B. Mohanty, AGA

Vs.

Swapneswar Gochhi and another

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

30.04.2024

I.A. No. 5882 of 2024

Order No.

01.

This matter is taken up by hybrid mode.

2. This application has been filed by the petitioners for dispensing with filing of certified copy of the impugned order dated 14.03.2023 passed in O.A. No. 260/00556 of 2020 under Annexure-3.

3. Considering the grounds taken in the application and after hearing Mr. B. Mohanty, learned Addl. Government Advocate appearing for the State-petitioners, two weeks time is allowed to file certified copy of the impugned order under Annexure-3.

4. I.A. stands disposed of.

(DR. B.R. SARANGI)

JUDGE

(G. SATAPATHY)

JUDGE

W.P.(C) No. 10636 of 2024

And

I.A. No. 5883 of 2024

Order No.

02.

This matter is taken up by hybrid mode.

2. Heard Mr. B. Mohanty, learned Addl. Government Advocate appearing for the State-petitioners.

3. The State and its functionaries have filed this writ petition challenging the order dated 14.03.2023 passed in O.A. No. 260/00556

of 2020 under Annexure-3, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack directed that opposite party no.1 is entitled to the interest at the rate of applicable to the GPF deposits on the delayed payment of pension and leave salary from the date it became due till actual payment.

4. Mr. B. Mohanty, learned Addl. Government Advocate appearing for the State-petitioners contended that there is no laches attributable on the part of the State so as to pay interest to opposite party no.1. Rather, in respect of the house building advance taken by opposite party no.1, he has not furnished certain information with regard to payment made by him. Further, opposite party no.1, for the selfsame relief, had earlier approached the tribunal by filing O.A. No. 867 of 2015, which was disposed of by the tribunal and, as such, the said order of the tribunal was not challenged and, thereby, the same has been confirmed. Now, therefore, he cannot approach the tribunal seeking selfsame relief. As such, the order so passed by the tribunal in O.A. No. 260/00556 of 2020 under Annexure-3 dated 14.03.2023 cannot be sustained in the eye of law.

5. Issue notice to the opposite parties.

6. Steps for service of notice on the opposite parties by registered post with A.D. be taken within three days. Office shall send notice to the said opposite parties fixing an early returnable date.

7. As an interim measure, it is directed that there shall be stay operation of the order dated 14.03.2023 passed in O.A. No. 260/00556 of 2020 under Annexure-3, till 14.05.2024.

(DR. B.R. SARANGI)
JUDGE

Ashok

(G. SATAPATHY)
JUDGE