

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No. 15884 of 2021

Kanakalata Dash

....

Petitioner

Mr. T.K. Satapathy, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, Addl. Government

Advocate

*Mr. B. Mohanty, Standing Counsel for
School and Mass Education Department*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.09.2021

I.A. No. 10635 of 2021 &

WPC No. 15884 of 2021

Order No.
08

This matter is taken up through hybrid mode.

2. The I.A. has been filed by the opposite party no.1 seeking deletion of the name of Industries Department from the cause title.
3. Mr. T.K. Satapathy, learned counsel for the petitioner raised a very serious objection stating that the husband of the petitioner was working under the Director of Technical Education and Training, which comes under the Industry Department. As such counter affidavit has been filed by the State admitting such claim. Now, this application has been filed for deletion of the name of opposite party no.1, which is absolutely misconceived one and otherwise deprives of her getting claim and, as such, no steps have been taken for compliance of the order of the Tribunal. In paragraph-8 of the counter, it has been stated as follows:

“8. That in reply to para -7,8,9 and 10 of the Writ Petition, it is humbly submitted that the operative part of the order dated 30.03.2017 passed by the Hon’ble Tribunal in O.A. No. 91 (C)/2006 rests with the O.P. No.2. On receipt of specific instructions from the O.P. No.2, further follow up action shall be

taken for due compliance of the order dated 30.03.2017 passed by the Hon'ble Tribunal."

By stating so the opposite parties are trying to shirk the responsibility from one department to another, and thereby causing harassment to the petitioner, as such, there is deliberate non-compliance of order dated 30.03.2017 of the Tribunal and in the meantime three years have passed.

5. In course of hearing Mr. Y.S.P. Babu, learned Addl. Government Advocate contended that he does not want to press this I.A.

6. Accordingly, the I.A. stands dismissed.

7. Since the order of the Tribunal has not been complied with, serious allegation has been made by the petitioner that in one hand, the Industries Department contends that it is not liable to pay the dues of the petitioner and in other hand, the School and Mass Education Department contends that it is not liable. This is an inter se dispute between the two departments of the State, for which the petitioner should not sufferer. Thereby, this Court called upon the Secretary, Industries Department and Secretary, School and Mass Education Department to appear in person on 30.09.2021 at 10.30 a.m. before the Court and to explain who is to comply with the order of the Tribunal by filing respective affidavits.

8, Needless to say, if the order of the tribunal is complied with, the Secretary, Industries Department and Secretary, School and Mass Education Department need not appear on the date fixed.

9. Put up this matter 30.09.2021 as item-1.

(Dr. B.R. Sarangi)
Judge

A.K. Rana