



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1550 of 2024

State of Odisha and others

.....

Appellants

Represented By Adv.

Mr. S. B. Mohanty, AGA

-versus-

Madhab Bairagi

.....

Respondent

Represented By Adv. –

Mr. S. Mallik, Adv.

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

JUSTICE SANJAY KUMAR MISHRA

ORDER

18.07.2025

I.A. No.3868 of 2024

&

WA No.1550 of 2024

Order No.

02.

1. The intra-court appeal is filed after brooking a delay of 230 days. An application supported by affidavit accompanies the appeal memo and it seeks condonation of the said delay.

2. Learned State Counsel Mr. Mohanty submits that in the official process some delay has been brooked in filing the appeal and there are some arguable points on merits. Be that as it may, rejecting an application of kind would result into the rejection of



the appeal also. That may not be a desirable action at the hands of a Court.

3. Learned counsel appearing for the private respondent although initially resisted the application, now he is graciously agreeable to allowing of the said application subject to the condition that whatever little prejudice his client will suffer because of the delay some amount should be paid to his client. We agree with this submission.

In the above circumstances, appeal having been favoured delay is condoned subject to condition that the State shall pay Rs.3000/- (rupees three thousand) to the respondent-employee within a period of four weeks, failing which not only the application stands peremptorily rejected and as a consequence appeal as well. It is open to the appellants to recover this amount from the official, who is responsible for brooking of delay.

Call this matter on 19.09.2025, subject to payment of costs and filing of proof thereof in the Registry.

(Dixit Krishna Shripad)
Judge

(S.K. Mishra)
Judge

Prasant