



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1628 of 2024

State of Odisha and others

Appellants

Represented by Adv.-
Mr. J.K. Ray, ASC

-versus-

Surendra Kumar Prusty

Respondent

Represented by Adv.-
Mr. S.K. Purohit, Advocate

CORAM:

**JUSTICE DIXIT KRISHNA SHRIPAD
JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER
16.07.2025**

**I.A. No.4201 of 2024
&
WA No.1628 of 2024**

**Order No.
01.**

1. State appeal is filed after brooking a delay of 390 days. An application supported by affidavit is also filed seeking its condonation. Learned Additional Standing Counsel appearing for the appellants submits that in matters like this decision has to be taken at various stages and thus there is a long process; during the accomplishment of the process, delay has been brooked; no prejudice would be caused to the other side, if the same is condoned. If not condoned, State would be put to prejudice which is not a good thing to happen, since State is a fleshless entity and works through the individuals.
2. Learned counsel appearing for the respondent-employee vehemently opposes the application contending that when there is huge delay and laches, Courts should not come to the aid of the State at all, State being a model litigant. He also submits that the explanation offered



for the condonation of delay is far from satisfactory and the right having accrued to his client after the laps of a long period, that right may not be taken away easily. He also submits that this appeal is filed only after the contempt Court fixed the time for implementation of the impugned order and thus the application for condonation of delay lacks bona fide.

3. Having heard learned counsel for the parties and having perused the papers, we are inclined to allow the application, inasmuch as there is plausible explanation for the delay; the contention that merely because contempt Court has fixed a particular time for implementation of the order, would not take away the plausibility of the explanation. In matters like this decision is taken at the highest level after a due process and therefore delay more often than not happens. There are arguable points in the merits of the matter too. Condonation of delay would not add merits to the appeal to the disadvantage of the respondent-employee.

In the above circumstances, application is allowed and delay is condoned subject to the condition that the appellant shall pay collectively a sum of Rs.5,000/- (rupees five thousand) to the respondent-wife within a period of two weeks, failing which application stands peremptorily rejected and therefore appeal also would. The matter shall not be precipitated till next date of hearing.

The I.A. is disposed of.

Call the main case on 31.07.2025.

(Dixit Krishna Shripad)
Judge

(Mruganka Sekhar Sahoo)
Judge