

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1722 of 2023

State of Odisha & Others *Appellants*
Mr. M. K. Khuntia, AGA

-versus-

Bhagaban Mohapatra *Respondent*
Mr. D. P. Dhalsamanta,
Advocate

CORAM:

MR. JUSTICE D.DASH

MR. JUSTICE G. SATAPATHY

ORDER

05.12.2023

Order
No.

I. A. NO.4661 OF 2023

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Heard.
3. Considering the submissions made, the Appellants prayer to dispense with the filing of the certified copy for this Appeal is allowed.
4. The I.A is accordingly disposed of.

(D.Dash)
Judge

(G. Satapathy)
Judge

ORDER
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I. A. NO.4662 OF 2023

- 02.
1. Heard.
 2. Considering the submissions made and on going through the averment taken in the petition, the prayer for condonation of delay in filing the Appeal is condoned.
 3. The I.A. is accordingly disposed of.

(D.Dash)
Judge

(G. Satapathy)
Judge

Order
No.

- 03.
1. The Appellants-State and its functionaries, by filing the intra Court Appeal assail the order dated 18.01.2023 passed by the learned Single Judge in RVWPET (RPC) No.5 of 2018.
 2. Mr. Manoj Kumar Khuntia, learned Additional Government Advocate submits that the State Administrative Tribunal having passed an order on 04.02.2016 in O.A. No.1476 (C) of 2011, the State in the year 2018 had filed an application for review as provided under section 22 (f) of the State Administrative Tribunal Act. The matter being transferred to the High Court, the review application came to be heard by the learned Single Judge.

The learned Single Judge taking up the review application having found that the same has been filed after delay of two years from the order, sought to be reviewed has rejected the application on the ground of delay in further observing that there was no applications seeking condonation of delay from the side of the State.

He further submits that although in the very said review application, it has been explained as to why the delay has been caused in filing the review application, that has not been taken into account and the approach of the learned Single Judge according to him is pedantic, when the settled position of law is that even on oral submission, the delay can be condoned if the Court is satisfied, that the party was prevented by sufficient cause during the period of delay. He, therefore submits that the impugned order on the ground of delay is not sustainable.

3. Mr. D. P. Dhalsamanta, learned counsel for the Respondent submits that the original order dated 04.02.2016 passed by the O.A. having not been challenged the review application after lapse of two years is not maintainable. He also submits that when the review application has been filed after two years of the passing of the said original order that has been rightly rejected on the ground of delay.

4. Taking into account the submissions made and on going through the averments taken in the Memorandum of Appeal as also the documents annexed thereto, we admit this Appeal and call for the record of the Review Petition RPC No.5/2018 as also that of O.A. No.1476 (C) of 2011.

5. List this matter in the week commencing 22nd January, 2024 for hearing.

(D.Dash)
Judge

(G. Satapathy)
Judge

Order
No.

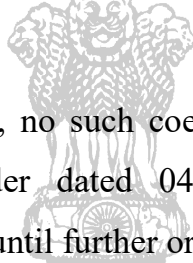
04.

1. Heard.
2. As an interim, no such coercive action shall be taken pursuant to the order dated 04.02.2016 passed in O.A. No.1476(C) of 2011, until further order.

ORDER

05.12.2023

I. A. NO.4663 OF 2023



ORISSA

(D.Dash)
Judge

(G. Satapathy)
Judge