



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1513 of 2025

State of Odisha & Another **Appellants**
Mr. S.B. Mohanty, AGA
-Versus-

Durga Charan Sahu & Another **Respondents**
Mr. S. Jena, Advocate

CORAM:
JUSTICE KRISHNA S. DIXIT
JUSTICE CHITTARANJAN DASH

Order No.
02.

ORDER
06.05.2026

This Intra-Court Appeal in W.A. No.1513 of 2025 filed by the State seeks to call in question a learned Single Judge's order dated 20.05.2024, whereby Respondents' W.P.(C) No.12359 of 2024 having been favoured, relief has been accorded vide paragraph.7, which reads as under:

"7. Having heard learned counsels for the Parties and placing reliance on the judgment in W.P.(C) No.20713 of 2016, and on being satisfied that the issue involved in the writ petition is similar to the issue decided, this Court while disposing the Writ Petition directs that the Petitioner will be entitled to get the benefit of the arrear claim from the date of his entitlement as indicated in his order of approval so issued by the Government in the present writ petition. Such entitlement of the Petitioner as due and admissible be released with due calculation within a period of four(4) months from the date of receipt of this order."

2. The Respondent-employees have entered appearance through their learned counsels, who resists the appeal both on merits



and on the long delay contending that the impugned orders are in terms of Apex Court decision in *Union of India v. Tarsem Singh*, (2008) 8 SCC 648 case principally followed by *State of Odisha and others v. Dhiren Kumar Sahoo*, SLP (C) No.9531 of 2024 disposed off on 08.01.2024.

3. In this appeal, there is a delay of 446 days. The application in I.A. No.3854 of 2025 supported by affidavit offering plausible explanation for the delay brooked. No objections are filed to the subject application either. No prejudice would be caused to anyone should the short delay be condoned and accordingly we allow the accompanying application in I.A. No.3854 of 2025 condone the delay brooked therein.

4. Having heard learned counsel for the parties and having perused the appeal papers, we are of the considered opinion that we need not take the trouble of examining the matters on merits once again, inasmuch as they are absolutely covered by our decisions in a host of cases. They are as under:

“W.A. No.1350 of 2024 between State of Odisha v. Hara Prasad Ray, W.A. No.468 & 465 of 2024 between State of Odisha v. Ajit Kumar Mishra.”

In the above appeals, no relief has been granted to the Appellant-State by upholding the orders of the kind made by other learned Single Judges of this Court. We are told that against one such order SLP(C) Diary No.18952 of 2024 was put in challenge and the same has been negated by the Apex Court vide order



dated 17.05.2024. Similarly, in SLP(C) No.9531 of 2024 the Apex Court vide order dated 29.04.2024 has upheld the view of Co-ordinate Bench of this Court. Therefore, we have no discretion to disobey what the Apex Court has said.

In the above circumstances, this appeal being unworthy of merits is liable to be dismissed and accordingly it is. The impugned order of the learned Single Judge shall be given effect to within an outer limit of eight weeks, failing which the responsible officials shall run the risk of being held up in contempt proceedings.

Costs having been made reluctantly easy.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge

Madhusmita