



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1769 OF 2025

State of Odisha and another* *Appellants

Represented by Adv.-
Mr. S.B. Mohanty, AGA

-versus-

Banalata Mishra* *Respondent

CORAM:

**JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

ORDER

27.02.2026

Order No.

01. The State and its functionaries are in this Intra-Court appeal laying challenge to the learned Single Judge's order dated 01.03.2024 whereby the respondent-employee's W.P.(C) No. 11221 of 2021 having been favoured, her compulsory retirement has been struck off with a direction to reinstate her in service with all consequential benefits.
2. The appeal has been filed after brooking a delay of 589 days and an application in I.A. No. 4334 of 2025 supported by affidavit has been filed accompanying the appeal.
3. Having heard learned AGA for the appellants and having perused the appeal papers, we decline indulgence in the matter, mainly, because of the following reasons:
 - 3.1 Firstly, the appeal has been filed after brooking a long delay of 589 days and the explanation offered in the application supported by affidavit is not plausible at all. Merely because the appellants are



the State and its instrumentalities, the law of limitation cannot be applied differently. What applies to a private litigant, applies equally to the State. Any argument to the contrary would militate against the principles of equality, parity & justice. Therefore, the application is liable to be rejected

3.2 We also noticed that the respondent-employee has put in a long & spotless service of 30 years. What would remain in the blood, bone & flesh of an employee after putting such a long period, needs to be understood with human heart, provided heart is at the right place. However, those who took a decision to dispense with the services of respondent appear to have it at a wrong place.

3.3 Above apart, the respondent-employee was not a Deputy Commissioner; he was only a Peon i.e. a Group-D employee. Such persons need protection of the Writ Court when harsh treatment is meted out at the hands of State and its instrumentalities. Our Constitution ordains that the State & its instrumentalities under Article 12 must conduct themselves as Model Employers vide ***Bhupendra Nath Hazarik Vs. State of Assam***, AIR 2013 SC 234. Otherwise, what Jeremy Bentham had said would become true “*what is a State without justice but a band of robbers*”. Thus, the impugned order has brought about a just result in the fitness of things.

In the above circumstances, the appeal being devoid of merits and there being no plausible explanation for the delay, both the application and the appeal are rejected in *limine*. The appellants are directed to implement the order of the learned Single Judge and report compliance to the



Registrar General of this Court within an outer limit of three (3) months, failing which the concerned officials are at the risk of contempt proceedings.

Registry shall send a copy of this order to the respondent by speed posts.

Web copy of the order to be acted upon by all concerned.

(Krishna Shripad. Dixit)
Judge

(Chittaranjan Dash)
Judge

PKSahoo