



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.549 of 2024

Susanta Kumar Pradhan

.....

Appellant

Mr. L.K. Mohanty, Advocate

-versus-

State of Odisha & Others

.....

Respondents

Mr. A. Tripathy, AGA

*Mr. G. Muduli, Adv. for Resp.
No.5*

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.02.2025

Order No. 04

I.A. No.996 of 2024

1. This matter is taken up through hybrid mode.
2. Heard Mr. L. K. Mohanty, learned counsel appearing for the appellant, Mr. A. Tripathy, learned Addl. Government Advocate, and Mr. G. Muduli, learned counsel appearing for private Respondent No.5. In spite of due service of notice by Special Messenger on Respondent No.4, nobody has entered appearance.
3. This I.A. has been filed seeking condonation of delay of 360 days in filing the appeal.
4. It is contended that even though the appellant was a party before the Tribunal in GIA Case No.281 of 2019, but on the date of hearing since he could not remain present he was set ex-parte and the judgment was pronounced on 04.10.2023. Only when the order was communicated by the Respondent No.5 to Respondent Nos.3 & 4, appellant could know that such an order has been passed by the



Tribunal. Accordingly, after obtaining the certified copy, the present appeal was filed.

4.1. It is also contended that the services of the private Respondent No.5 was approved as against the 3rd post of Peon vide order dtd.01.03.2016 and services of the present appellant was approved as against the post of Peon vide order dtd.03.08.2019 under Annexure-4.

4.2. It is further contended that the order of approval issued in favour of Respondent No.5 as against the 3rd post of Peon on 01.03.2016 was never assailed. Only when services of the present appellant was approved vide office order dtd.03.08.2019, the GIA case was filed challenging the order of approval issued in favour of the present appellant.

4.3. It is contended that the Tribunal without proper appreciation allowed the claim of Respondent No.5 vide the impugned judgment.

5. Learned counsel appearing for Respondent No.5 on the other hand contended that since the appellant was a party before the Tribunal, the plea taken by him with regard to delay in filing of the appeal cannot be accepted.

6. Having heard learned counsel appearing for the Parties and considering the submissions made and the materials available on record, this Court after going through the same is inclined to condone the delay in filing of the appeal and condone the same subject to payment of cost of Rs.4,000/- to the learned counsel appearing for Respondent No.5. Such cost be paid to Mr. Muduli, learned counsel appearing for Respondent No.5 by 28.02.2025.



7. Accordingly, the I.A. is allowed and stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

05. I.A. Nos.997 of 2024 & I.A. No.52 of 2025.

1. Heard.

2. In the interim, there shall be stay of operation of the judgment dtd.04.10.2013 so passed in GIA Case No.281 of 2019 and order dtd.17.01.2025 issued by Respondent No.3 under Annexure-1 to I.A. No.52 of 2025 till the next date.

(BIRAJA PRASANNA SATAPATHY)
Judge

FAO No.549 of 2024

06. 1. As requested, list this matter on 28th March, 2025.

(BIRAJA PRASANNA SATAPATHY)
Judge

Subrat