



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30183 OF 2024

Karunakar Routray

Petitioner

Mr. Sidhant Dwibedi, Advocate

-versus-

State of Odisha and others

Opp. Parties

Mr. Debashis Tripathy,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

03.03.2025

Order No.

03. 1. This matter is taken up through hybrid mode.
2. Mr. Dwibedi, learned counsel for the Petitioner drew attention of this Court to the letter dated 6th October, 2023 at Annexure-9 issued by the Chief Engineer and Basin Manager, Mahanadi Kathajodi System providing the guidelines stating as under:

“With reference to the letter and subject cited above, I am directed to state that the Chief Engineer & Basin Manager, Mahanadi Kathajodi System has been pleased to approve the Schedule of Adjustment Data for calculation of price escalation for the work "Improvement to service road on left bank of Disty No. 13 from RD 4.730 km to RD 12.330 km (Dengapola to Sogal) under IRC & IS" ..The Schedule of Adjustment Data along with calculation of the break up percentage of consumption of Labour, POL, Cement, Plant & Machinery and other materials are duly approved as per Works Department Memorandum No. 8189/WE dt. 07.06.2021 & No. 15847/WE dt. 19.11.2019. The receipt of the same may please be acknowledged.”

But, the Superintending Engineer, Jagatsinghpur Irrigation Division in his letter dated 07.06.2024 at Annexure-



10 misreading the judgment dated 08.09.2023 passed in W.P.(C) No. 30191 of 2021 stated that the said office memorandum issued by the Chief Engineer under Annexure-9 cannot be given effect to, as it has been set aside by this Court in the aforesaid judgment.

3. Mr. Dwibedi, learned counsel for the Petitioner further drew attention to the judgment dated 08.09.2023 passed in W.P.(C) No. 30191 of 2021 wherein it is held that:

'the office memorandum dated 07.06.2021, by which office memorandum dated 19.11.2019 has been given effect retrospectively for the period from 07.07.2012 to 18.11.2019, cannot be sustained in the eye of law and the same is liable to be quashed and hereby quashed to the extent, as indicated above.....'.

4. Thus, Mr. Dwibedi, learned counsel for the Petitioner further submits that the office memorandum under Annexure-9 was not set aside completely. But the retrospectivity of the said office memorandum was only set aside.

5. In view of the above Mr. Tripathy, learned Additional Government Advocate prays for an adjournment to take instruction with regard to the sustainability of the letter issued by the Superintending Engineer, Jagatsinghpur Irrigation Division under Annexure-10.

6. Put up this matter on 26th March, 2025. Instruction, if any, shall be obtained in the meantime positively.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge