



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. NO.1946 OF 2025

CNR No. ODHC010906592025

The Commissioner, Cuttack Municipal Corporation, Cuttack* ... *Appellant

Mr. Debasis Nayak, Advocate

-versus-

Srikanta Kumar Swain and others* *Respondents

Mr. Ramakrishna Bisoi, Advocate

CORAM:

HON'BLE MR. JUSTICE K.R. MOHAPATRA

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

01.09.2026

I.A. No.556 of 2026

Order No.

09.

1. This matter is taken up through Hybrid Mode.
2. This is an application for condonation of delay in filing the writ appeal.
3. Although the Stamp Reporter has pointed out that there is no delay in filing the writ appeal but in fact there is a delay in filing the writ appeal.
4. The relevant facts, which led to filing of the writ appeal are that the Respondent No.1 filed W.P.(C) No.16828 of 2024 against the Appellant seeking a direction to disburse the annual increment payable to him with effect from 1st November, 2015 onwards and also to sanction 2nd RACP of Rs.4200/- along with all service and financial benefits including the arrear dues. The writ petition was allowed vide order dated 16th July, 2024 with a direction to the Commissioner, Kataka Municipal Corporation (KMC) to disburse the 2nd RACP with all financial benefits as soon as possible



preferably within a period of six weeks from the date of receipt of the certified copy of the said order.

5. The Appellant being aggrieved filed RVWPET No.199 of 2025 with a delay of 370 days, I.A. No.333 of 2025 was filed along with the Review Petition for condonation of delay. Vide order dated 21st November, 2025, I.A. No.333 of 2025 was disposed of without condoning the delay. Accordingly, the review petition was also dismissed. Assailing the order passed in the writ petition as well as in the review petition, this writ appeal has been filed. As such, there is a delay of more than 370 days in filing the writ appeal.

6. Taking note of the submissions of the learned counsel for the parties and order dated 18th August, 2026 passed by the Coordinate Bench in I.A. No.1492 of 2026, this Court is of the considered opinion that the delay in filing the writ appeal be condoned subject to payment of cost of Rs.10,000/- (Rupees Ten Thousand) only to the learned counsel for the Respondent No.1 within a period of ten days, hence as undertaken by Mr. Nayak, learned counsel for the KMC.

7. Put up on 21st September, 2026.

(K.R. Mohapatra)
Judge

(Mruganka Sekhar Sahoo)
Judge