

(2023) 05 OHC CK 0059
In the Orissa High Court
Case No : Writ Appeal No. 322 Of 2022

Nrusingh Charan Mishra

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 03-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0059

Hon'ble Judges : Dr. S. Muralidhar, CJ;G. Satapathy, J

Bench : Division Bench

Advocate : Dayananda Mohapatra, Anand Prakash Das

Final Decision : Disposed Of

Judgement

1. This appeal is directed against the order dated 14th February, 2022 passed by the learned Single Judge dismissing CMAPL No.306 of 2021 by which the Appellant was seeking recall of an earlier order dated 14th July, 2021 passed by the learned Single Judge dismissing W.P.C.(OAC) No.658 of 2000 on account of non appearance of learned counsel for the Appellant.

2. It was sought to be explained by the Appellant before the learned Single Judge that the brief had been transferred from the previous counsel and the Appellant was therefore unaware of the listing and hearing of the case.

3. It appears that the same counsel from whom the brief was purportedly transferred subsequently filed the CMAPL. Considering the prayer in the writ petition was for regularization of the service of a person, who was working for more than 30 years, the Court is of the view that the more liberal view ought to have been taken of the explanation offered by the Appellant for non appearance before the learned Single Judge on 14th July, 2021.

4. For the aforementioned reason, the impugned order dated 14th February, 2022 is set aside and CMAPL No.306 of 2021 will be treated as having been allowed. As a result, the order dated 14th July, 2021 in W.P.C.(OAC) No.658 of

2000 stands recalled and the said writ petition will be listed before the learned Single Judge in the roster Bench on 21st August, 2023. Since the pleadings in the main writ petition are already stated to be complete, the learned Single Judge will proceed with the hearing of the petition on merits on that date with neither party seeking any adjournment and endeavour to dispose it of as expeditiously as possible.

5. The writ appeal is disposed of in the above terms.

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