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Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Aug-2026 12:39:52

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 554 OF 2026

CNR No. ODHC010936052025

(An application under Articles 226 & 227 of the Constitution of India)

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1. ***Union of India,*** *represented by the Secretary-cum-Director General of Post, Department of Post, Dak Bhavan New Delhi.*
2. ***Director of Accounts, Department of Post, (Postal), Cuttack***
3. ***Superintendent of Post Offices, Keonjhar Division, Keonjhargarh***

..... ***Petitioners***

-Versus-

Padma Charan Bal, *(Since deceased) represented by wife Jayanti Bal*

..... ***Opp. Party***

Advocates appeared:

For Petitioners : Mr. Bibhuti Bhusan Mishra, Senior Panel Counsel

For Opp. Party : Mr. Rabinarayan Nayak, Advocate

CORAM :

MR JUSTICE KRUSHNA RAM MOHAPATRA
MR JUSTICE MRUGANKA SEKHAR SAHOO

Heard and disposed of on 04.08.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.

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2. The Petitioners in this writ petition seek to assail the order dated 6th June, 2025 (Annexure-10) passed by the Central Administrative Tribunal, Kataka Bench, Kataka (for brevity 'the Tribunal') in RA No.88 of 19 (Kataka), whereby the Review Application (RA) filed by the Union of India and its officials (Petitioners herein) was dismissed on the ground of limitation.

3. Mr. Mishra, learned Senior Panel Counsel appearing for the Petitioners, submits that one Padma Chandra Bal (since dead), represented through his widow, namely, Jayanti Bal, filed OA No.260/913/2014 before the Tribunal, claiming modification of the pension payment order including the pension by taking into consideration the last pay drawn by the Applicant, as indicated under Annexure-5 to the Original Application (OA). The Applicant also prayed to modify the commuted value of pension, as indicated under Annexure-8 to the OA on the basis of the revised pension claimed. He also prayed to release the amount of Rs.72,514/- (Rupees Seventy-two Thousand Five Hundred Fourteen only) to recover from the commuted value of pension of the Applicant along with interest.

3.1 The Tribunal, vide order dated 11th September, 2016 (Annexure-3), allowed Original Application and directed the present Petitioners to recalculate the pension and pensionary benefits of said Padma Charan Bal by taking into account the MACP benefit granted to him, issue a revised Pension Payment Order, and pay the differential dues within a period of 180 days from the date of receipt of the said order. It was further directed

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that, in the event of failure to comply with the said direction within the stipulated period, the Petitioners would be liable to pay interest at the rate of 8% per annum.

3.2 Assailing the same, the Petitioners filed W.P.(C). No.7264 of 2017 before this Court, which was disposed of vide order dated 21st November, 2019 (Annexure-4) with a liberty to the Petitioners to apply for rectification of the order under Annexure-3 by filing an application for review along with an application for condonation of delay. It was further observed that, if such application was filed within 30 days from the date of the said order, the Tribunal should consider all the contentions raised by the Petitioners. It was further directed that while considering the prayer for condonation of delay, the Tribunal should take into consideration the period of pendency of the writ petition, i.e., from 21st April, 2017 till the date of disposal i.e., 21st November 2019 for approaching the wrong forum under *bona fide* mistake. Accordingly, the Petitioners filed Review Application No.88 of 2019 before the Tribunal on 20th December, 2019 along with an application for condonation of delay.

3.3. On consideration of the application for condonation of delay, the Tribunal held that the delay in filing the Review Application (R.A. No.88 of 2019) was not properly explained, more particularly, the period from 9th November, 2016, i.e., the date of the order passed by the Tribunal under Annexure-3, till 21st April, 2017, i.e., the date of filing of the writ petition. Assailing the same, the present writ petition has been filed.

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4. Mr. Mishra, learned Senior Panel Counsel, vehemently argues that while adjudicating the writ petition, this Court did not raise any objection with regard to the delay in filing the writ petition. He further submits that by entertaining this writ petition, this Court condoned the delay from 9th November, 2016 to 21st April, 2017. Further, the learned Tribunal also condoned the period of pendency of the writ petition before this Court. Hence, the delay in filing the R.A. should have been condoned and the R.A. should have been considered on merit.

5. A copy of the brief is served on Mr. Nayak, learned counsel for the Opposite Party, in Court today. He vehemently objects to the prayer made by Mr. Mishra, learned Senior Panel Counsel. It is his submission that a bare perusal of the petition for condonation of delay in filing the R.A., which is annexed to the writ petition as Annexure-5, would make it clear that no explanation has been given for condonation of the delay in filing the R.A. The latches and negligence on the part of the Petitioners are manifest from the petition for condonation of delay itself. It is also submitted that the R.A. was not filed within 30 days, as stipulated by this Court. He, therefore, submits that the learned Tribunal has rightly declined to condone the delay in filing the R.A. and dismissed the R.A. accordingly.

6. Taking note of the submissions made by learned counsel for the parties and on perusal of the record, this Court finds that pursuant to the direction of this Court vide order dated 21st November, 2019 (Annexure-4), the Petitioners filed the Review

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Application on 20th December, 2019, along with a petition for condonation of delay. Thus, the R.A. was filed within the stipulated time as directed by this Court vide order dated 21st November, 2019. However, that does not absolve the Petitioners from explaining the delay in filing the R.A. from 9th November, 2016 till 21st April, 2017.

6.1 Not a single word has been stated in the petition for condonation of delay under Annexure-6 (M.A. No.1070 of 2019) explaining the delay for the aforesaid period. The Petitioners were required to explain the delay in filing the R.A. from the date i.e., 9th November, 2016 to 21st April, 2017. On 9th November, 2016, the order sought to be reviewed was passed, and on 21st April, 2017, the writ petition was filed before this Court. Although this Court, vide order dated 21st November, 2019, condoned the period of pendency of the writ petition before this Court, it has not expressed any opinion with regard to the aforesaid period i.e., from 9th November, 2016 till 21st April, 2017, which was required to be explained by the Petitioners. That having not been done, we find no infirmity in the impugned order under Annexure-10.

7. Mr. Mishra, learned Senior Panel Counsel, at this stage submits that the employee, namely, Padma Charan Bal, was granted second financial up-gradation, but the same was withdrawn on the basis of a representation filed by him. Accordingly, his pensionary benefits were released taking into consideration the last pay drawn after withdrawing the benefit of the second financial up-gradation. After receiving the pensionary

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benefits and commuted pension, he filed the O.A. seeking restoration of the benefit which was withdrawn pursuant to his representation.

7.1 On perusal of the record, it appears that the second financial up-gradation was granted to the said Padma Charan Bal, which was subsequently withdrawn after his retirement. Accordingly, the pensionary benefits were revised along with the commuted pension. When Padma Charan Bal was granted a benefit and, on that basis, pension and other retiral benefits were released, the same should not have been withheld/withdrawn without following due procedure of law. Thus, we find no substance in the submission of Mr. Mishra, learned Senior Panel Counsel.

8. Accordingly, the writ petition being devoid of any merit stands dismissed. In the facts and circumstances of the case, there shall be no order as to costs.

Urgent certified copy of this judgment be granted on proper application.

(K.R. Mohapatra)
Judge

(Mruganka Sekhar Sahoo)
Judge

High Court of Orissa, Cuttack
Dated 4th August, 2026/Rojalin