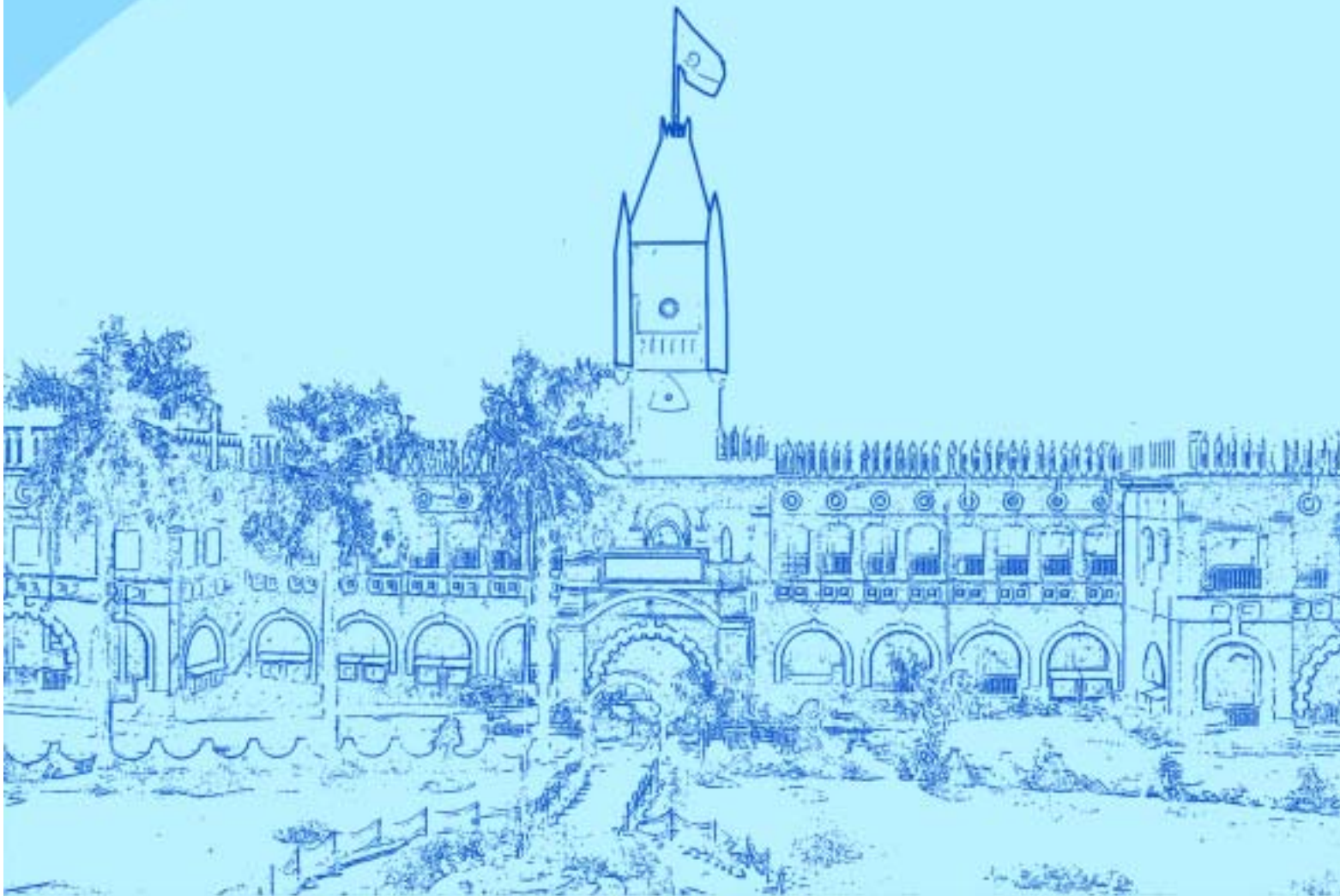




COURT NEWS

January - March, 2009

- . Recent High Court Judgements
- . Appointment / Retirement
- . Activities of O.J.A / O.S.L.S.A / H.C.L.S.C and in N.J.A
- . Institution / Disposal / Pendency



ISSUE NO. VII

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Orissa High Court

Judicial Workshop on Planning and Management for Timely Justice (PMTJ)
from 09.01.2009 to 11.01.2009



His Excellency Sri Murlidhar C. Bhandare, Governor of Orissa, Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Hon'ble Shri Justice I.M. Qudusi, Hon'ble Shri Justice P. K. Tripathy, Judges of Orissa High Court, Shri Biswabhusan Harichandan, Hon'ble Minister, Law, Shri Prafulla Chandra Ghadei, Hon'ble Minister, Finance & Prof. Mohan Gopal, Director, N.J.A., Bhopal.



Hon'ble Shri Justice S. B. Sinha, Judge Supreme Court of India, Hon'ble Dr. B. S. Chauhan, Chief Justice, Hon'ble Justice I.M. Qudusi, Judge, Orissa High Court, Hon'ble Shri Justice M. Y. Egbal, Judge, Jharkhand High Court, Hon'ble Shri Justice Amit Talukdar, Hon'ble Shri Justice Sanjeeb Banerjee, Judges of Calcutta High Court & Hon'ble Shri Justice S. K. Sinha, Judge, Chhatisgarh High Court.



Hon'ble Chief Justice, Hon'ble Judges of Orissa High Court, District Judges & Chief Judicial Magistrates of the State. District Judges' Conference on 20.3.2009 & 21.3.2009



Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India, Hon'ble Dr. Justice B. S. Chauhan, Chief Justice, Hon'ble Shri Justice I. M. Qudusi, Hon'ble Shri Justice P. K. Tripathy, Judges of Orissa High Court, Shri Biswabhusan Harichandan, Hon'ble Minister Law, Smt. Pramila Mallick, Hon'ble Minister, Women & Child Welfare, Shri Raghunath Mohanty, Hon'ble Minister, Panchayati Raj. Seminar on **Implementation of National Rural Employment Guarantee Scheme and Maintenance & Welfare of Parents & Senior Citizens Act, 2007** on 28.2.2009



Celebration of Republic Day in High Court Premises on 26.1.2009



Hon'ble Shri Justice G. B. Patnaik, Former Chief Justice of India & Hon'ble Dr. Justice B. S. Chauhan, Chief Justice Orissa Court Inaugurating the Indoor Badminton Hall of Orissa High Court on 26.1.2009



Inauguration of Digital Display System in Orissa High Court on 18.2.2009



Plantation in Orissa High Court Premises by Hon'ble the Chief Justice & Hon'ble Judges on 20.1.2009



Hon'ble Chief Justice & Hon'ble Judges of Orissa High Court on the occasion of Inauguration of Parking Area in the High Court Premises.

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Editorial Board

Hon'ble Shri Justice Prafulla Kumar Tripathy
Hon'ble Shri Justice Laxmikanta Mohapatra
Hon'ble Shri Justice Indrajit Mahanty

EDITORIAL ACKNOWLEDGEMENT

**Hon'ble Shri Justice Barin Ghosh,
Chief Justice, High Court of Jammu & Kashmir.**

"... Apart from being a wonderful and a contemporary way of keeping every one concerned abreast of the latest statistics of the Judiciary and High Court in the State of Orissa, the content of the News letter is good. It gives an overview of the judgments rendered by the Court in the very recent past which will certainly enable the people for whom the News is being printed to update themselves. It would also give an idea to the members of the Bar as well as the Judicial Officers of the State about the manner in which they are supposed to deal with the matters coming before them. ..."

**Hon'ble Shri Justice S.N.Phukan,
Former Judge, Supreme Court of India,
Former Chief Justice, Orissa High Court.**

"... I am very happy that the Orissa High Court has introduced the system of publishing Court News. I have received the quarterly Court News for July-September, 08, October-December, 08. It gives me the picture of the Judiciary on the State of Orissa, important decision of the High Court etc. I am also happy to know that you have started a Judicial Academy, which will help the Judicial Officers in discharging their function ..."



**CHIEF JUSTICE'S BUNGALOW
KILLA FORT, CUTTACK - 753 001**

Phone : (0671) 2607808 (O)
2301703 (Res)
2301505 (Res)
Fax: (0671) 2301703 (Res)
(0671) 2608446 (Off)

8th April, 2009

**Dr. Justice B.S.
Chauhan**


FROM THE DESK OF THE CHIEF JUSTICE

Orissa High Court is going to release the Seventh Issue of its Court News due to adherence to principles of openness and transparency. I am extremely happy that there is good response from the readers of Court News.

During this quarter a Judicial Workshop on Planning and Management for Timely Justice (PMTJ) was organized by National Judicial Academy, Bhopal in association with Orissa High Court and Orissa Judicial Academy from 9th to 11th January, 2009 which was inaugurated by His Excellency Shri Muralidhar C. Bhandare, Governor of Orissa and Hon'ble Mr. Justice S.B.Sinha, Judge, Supreme Court of India also participated. A Conference of District Judges and Chief Judicial Magistrates was held in Orissa High Court and there was a fruitful discussion about the difficulties faced by the subordinate courts in speedy disposal of different cases and the highest executives of the State, such as, Chief Secretary, Director General of Police and the Principal Secretaries of Home, Finance and Health Departments also participated. Also foundation stone of Court building was laid at Daspalla and Fast Track Court at Phulbani was opened. Two Courts of Senior Civil Judges at Kodala and Khallikote in the district of Ganjam and a court of Civil Judge (J.D.)-cum-J.M.F.C. at Bhuban in the district of Dhenkanal were opened during this quarter.

The doors of the Court are open to all but that by itself is not justice so long as the weakest of the weak is not empowered enough to have access to justice. If the constitutional imperatives are to be implemented and the constitutional goals are to be achieved, we cannot afford to overlook the Preamble to the Constitution which emphasizes the dignity of the individual as much as the unity of the nation.

I wish and hope that the Court News will continue the message of improvement in Orissa Judiciary as well as the High Court.


(B.S. Chauhan)

Appointment of Hon'ble Judges of the Orissa High Court

(From 1st January, 2009 to 31st March, 2009)

Name of the Hon'ble Judge	Date of appointment as Additional Judge	Date of appointment as Permanent Judge
Hon'ble Kumari Justice Sanju Panda	1.3.2007	11.2.2009
Hon'ble Shri Justice Biswanath Mahapatra	7.11.2007	11.2.2009
Hon'ble Shri Justice Bhabani Prasad Ray	7.11.2007	11.2.2009
Hon'ble Shri Justice Subhash Chandra Parija	7.11.2007	11.2.2009



Hon'ble Kumari Justice **Sanju Panda**
being Sworn-in by Hon'ble Dr. Justice **B.S.Chauhan**,
Chief Justice on 11.2.2009



Hon'ble Shri Justice **Biswanath Mahapatra**
being Sworn-in by Hon'ble Dr. Justice **B.S.Chauhan**,
Chief Justice on 11.2.2009



Hon'ble Shri Justice **Bhabani Prasad Ray**
being Sworn-in by Hon'ble Dr. Justice **B.S.Chauhan**,
Chief Justice on 11.2.2009



Hon'ble Shri Justice **Subhash Chandra Parija**
being Sworn-in by Hon'ble Dr. Justice **B.S.Chauhan**,
Chief Justice on 11.2.2009

HON'BLE JUDGES OF THE ORISSA HIGH COURT

HON'BLE THE CHIEF JUSTICE

Hon'ble Dr. Justice B.S.Chauhan, B.Sc., LL.B., Ph.D. (Law)

HON'BLE JUDGES

Hon'ble Shri Justice I.M.Quddusi, LL.B.

Hon'ble Shri Justice P.K. Tripathy, M.A., LL.B.

Hon'ble Shri Justice B.P. Das, M.A., LL.B.

Hon'ble Shri Justice L. Mohapatra, B.Sc., LL.B.

Hon'ble Shri Justice A.S. Naidu, B.Sc., LL.B.

Hon'ble Shri Justice Pradip Kumar Mohanty, LL.B.

Hon'ble Shri Justice S.R. Singharavelu, B.Sc., B.L.

Hon'ble Shri Justice M.M. Das, M.A., LL.B.

Hon'ble Shri Justice R.N. Biswal, M.A., LL.M.

Hon'ble Shri Justice I. Mahanty, LL.M.

Hon'ble Kumari Justice Sanju Panda, B.A., LL.B.

Hon'ble Shri Justice B.N. Mahapatra, M.A., LL.B., PGDTL.

Hon'ble Shri Justice B.P. Ray, LL.B.

Hon'ble Shri Justice S.C. Parija, LL.B.

Hon'ble Shri Justice L.K. Mishra, M.A., LL.M.

Hon'ble Shri Justice B.K. Patel, M.A., LL.B.

**SANCTIONED STRENGTH & VACANCIES IN HIGH COURT
(As on 31.3.2009)**

Sanctioned Strength	Working Strength	Vacancies
17 + 5* = 22	15 + 2* = 17	5

(A)* Addl. Judges

(B) Two Hon'ble Judges of this Court have been transferred to other High Courts and two Hon'ble Judges of other High Courts have come on transfer to this High Court.

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURT
(From 1.1.2009 to 31.3.2009)**

MAIN CASES

Pendency as on 1.1.2009		Institution during the period		Total disposal during the period		Pendency as on 31.3.2009	
Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
108874	23026	7087	6495	6688	6041	109273	23480

MISC. CASES

Pendency as on 1.1.2009		Institution during the period		Total disposal during the period		Pendency as on 31.3.2009	
Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
108497	512	6177	2531	4799	2525	109875	518

**TOTAL NO. OF CIVIL & CRIMINAL CASES DURING THE PERIOD
(From 1.1.2009 to 31.3.2009)**

	Opening Balance	Institution	Disposed of	Pending
Civil	217371	13264	11487	219148
Criminal	23538	9026	8566	23998

**SANCTIONED STRENGTH & VACANCIES
IN
DISTRICT AND SUBORDINATE COURTS**

(A) **DISTRICT & SUBORDINATE COURTS**

(As on 31.3.2009)

(Regular Establishment)

Sl. No.	Category of Posts	Sanctioned Strength	Working Strength	Vacancies
1.	District Judge including Additional District Judge	98	74	24
2.	Civil Judge (Sr. Divn.)	134	115	19
3.	Civil Judge (Jr.Divn.) & Magistrates	286	232	54
4.	Special Judicial Magistrates	18	14	04

(B) **FAST TRACK COURTS**

(As on 31.3.2009)

Functional Strength	Present Strength	Vacancies
35	31	4

**STATEMENTS SHOWING INSTITUTION, DISPOSAL & PENDENCY OF
CIVIL & CRIMINAL CASES IN THE SUBORDINATE JUDICIARY
FROM 1.1.2009 TO 31.3.2009**

Name of the Judgeship	CIVIL SUITS				CIVIL APPEALS				CIVIL MISC. APPEALS			
	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009
Balasore	19406	932	612	19726	1639	67	36	1670	1065	45	63	1047
Bolangir	2732	210	238	2704	593	28	27	594	117	23	08	132
Cuttack	20279	1338	929	20688	1370	111	136	1345	775	110	121	764
Dhenkanal	3363	602	219	3746	344	38	22	360	84	17	12	89
Ganjam	4309	399	349	4359	615	48	26	637	216	21	17	220
Kalahandi	1487	159	109	1537	273	16	27	262	76	03	05	74
Keonjhar	999	139	113	1025	142	21	21	142	45	09	12	42
Khurda	12640	801	561	12880	623	33	15	641	508	40	37	511
Koraput	1180	127	170	1137	252	16	20	248	128	17	26	119
Mayurbhanj	4483	314	259	4538	310	26	36	300	102	16	20	98
Phulbani	368	36	45	359	135	05	09	131	41	01	09	33
Puri	6225	391	303	6313	1097	49	76	1070	579	30	61	548
Sambalpur	4116	351	187	4280	366	35	38	363	86	21	29	78
Sundargarh	1174	138	147	1165	386	17	18	385	106	08	13	101
Total :	82761	5937	4241	84457	8145	510	507	8148	3928	361	433	3856

Name of the Judgeship	CIVIL REVISIONS				EXECUTION PROCEEDINGS				M.J.Cs./SPECIAL ACT CASES			
	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009
Balasure	50	--	09	41	1419	31	34	1416	7685	682	449	7918
Bolangir	29	04	03	30	816	18	26	808	806	84	168	722
Cuttack	21	01	03	19	2839	64	69	2834	12716	1176	1168	12724
Dhenkanal	08	--	01	07	1815	48	09	1854	1965	252	136	2081
Ganjam	25	03	04	24	1763	30	23	1770	2525	207	193	2539
Kalahandi	08	04	--	12	474	04	39	439	874	65	37	902
Keonjhar	08	01	04	05	616	31	34	613	418	89	112	395
Khurda	38	03	04	37	1983	35	19	1999	7500	465	453	7512
Koraput	01	01	01	01	678	119	44	753	495	79	74	500
Mayurbhanj	12	03	03	12	710	22	16	716	763	48	81	730
Phulbani	--	--	--	--	201	06	06	201	201	15	14	202
Puri	61	07	19	49	767	20	15	772	3412	308	230	3490
Sambalpur	21	03	03	21	1425	34	18	1441	1602	141	104	1639
Sundargarh	10	02	01	11	736	15	18	733	601	97	121	577
Total:	292	32	55	269	16242	477	370	16349	41563	3708	3340	41931

Name of the Judgeship	M.A.C.T. CASES				SESSIONS CASES				CRIMINAL APPEALS			
	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009
Balasure	1845	71	68	1848	1029	120	131	1018	515	25	16	524
Bolangir	443	30	44	429	498	65	47	516	478	41	60	459
Cuttack	12494	384	548	12330	2011	290	264	2037	427	44	44	427
Dhenkanal	1129	116	85	1160	499	79	91	487	248	24	14	258
Ganjam	4032	214	226	4020	1962	161	74	2049	344	41	32	353
Kalahandi	288	36	22	302	216	33	43	206	284	25	04	305
Keonjhar	1298	47	183	1162	333	69	50	352	174	28	23	179
Khurda	3580	89	26	3643	1017	116	67	1066	269	35	14	290
Koraput	925	76	45	956	570	112	75	607	278	40	27	291
Mayurbhanj	1000	79	28	1051	387	88	54	421	114	22	12	124
Phulbani	184	08	26	166	258	67	52	273	340	22	59	303
Puri	4194	96	102	4188	1711	120	105	1726	316	21	30	307
Sambalpur	1069	158	106	1121	970	143	147	966	154	25	44	135
Sundargarh	2713	112	106	2719	405	100	84	421	254	27	38	243
Total :	35194	1516	1615	35095	11866	1563	1284	12145	4195	420	417	4198

Name of the Judgeship	CRIMINAL REVISIONS				CRIMINAL MISC. CASES				SPECIAL ACT CASES			
	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009
Balasure	419	38	25	432	87	598	605	80	299	25	09	315
Bolangir	221	27	22	226	53	374	384	43	118	21	20	119
Cuttack	213	49	43	219	217	1403	1325	295	244	17	11	250
Dhenkanal	111	19	09	121	50	461	432	79	259	26	19	266
Ganjam	265	34	11	288	89	645	625	109	231	16	02	245
Kalahandi	123	09	07	125	15	133	136	12	319	10	12	317
Keonjhar	23	05	05	23	26	210	214	22	56	11	18	49
Khurda	190	37	29	198	45	686	653	78	315	26	02	339
Koraput	88	23	26	85	42	359	341	60	253	20	10	263
Mayurbhanj	62	14	12	64	45	342	353	34	44	08	09	43
Phulbani	137	05	19	123	126	268	319	75	41	01	--	42
Puri	250	32	57	225	36	365	345	56	272	14	19	267
Sambalpur	101	39	46	94	79	815	821	73	179	24	33	170
Sundargarh	74	28	24	78	32	454	433	53	57	02	03	56
Total :	2277	359	335	2301	942	7113	6986	1069	2687	221	167	2741

Name of the Judgeship	PREVENTION OF CORRUPTION ACT (VIG. + C.B.I.)			
	Opening Balance as on 1.1.2009	Institution	Disposed of	Pendency as on 31.3.2009
Balasore	496	08	06	498
Bolangir	122	02	--	124
Cuttack	428	27	09	446
Dhenkanal	--	--	--	--
Ganjam	228	15	14	229
Kalahandi	--	--	--	--
Keonjhar	--	--	--	--
Khurda	807	30	43	794
Koraput	113	13	10	116
Mayurbhanj	--	--	--	--
Phulbani	--	--	--	--
Puri	--	--	--	--
Sambalpur	425	11	--	436
Sundargarh	01	--	--	01
Total :	2620	106	82	2644

Name of the Judgeship	CRIMINAL CASES OF MAGISTERIAL COURTS											
	Opening Balance as on 1.1.2009			Institution			Disposed of			Pendency as on 31.3.2009		
	Gen. File	Trial File	Total	Gen. File	Trial File	Total	Gen. File	Trial File	Total	Gen. File	Trial File	Total
Balasure	36467	21215	57682	4043	191	1980	2171	38334	21220	59554		
Bolangir	14880	6590	21470	3102	239	3441	3680	14271	6621	20892		
Cuttack	135735	39459	175194	4393	742	3862	4604	133110	41873	174983		
Dhenkanal	46959	11696	58655	3890	996	1740	2736	48194	11615	59809		
Ganjam	35619	20614	56233	2407	259	2086	2345	35937	20358	56295		
Kalahandi	25737	9202	34939	2068	12	1747	1759	26012	9236	35248		
Keonjhar	13258	6752	20010	1854	168	1132	1300	13851	6713	20564		
Khurda	97026	9679	106705	4254	1567	1180	2747	98297	9915	108212		
Koraput	48141	21745	69886	4382	582	2780	3362	48900	22006	70906		
Mayurbhanj	18130	10207	28337	1130	59	1118	1177	18223	10067	28290		
Phulbani	13605	5288	18893	863	402	1142	1544	12836	5376	18212		
Puri	23042	13656	36698	1440	585	1554	2139	22898	13101	35999		
Sambalpur	61633	16362	77995	3911	18	2930	2948	62280	16678	78958		
Sundargarh	60203	10601	70804	1850	361	1787	2148	59572	10934	70506		
Total :	630435	203066	833501	39587	6181	28479	34660	632715	205713	838428		

TOTAL NO. OF CIVIL AND CRIMINAL CASES DURING THE PERIOD FROM 1.1.2009 TO 31.3.2009

CIVIL	<u>Opening Balance</u>	<u>Institution</u>	<u>Disposed of</u>	<u>Pendency</u>
	188125	12541	10561	190105
CRIMINAL	858088	49369	43931	863526

OUTLINES OF SOME RECENT ORISSA HIGH COURT JUDGEMENTS

JITENDRA BEHERA -V- REGISTRAR (ADMN) ORISSA HIGH COURT, CUTTACK & 2 ORS.
W.P.(C) NO. 4782 OF 2005 (Dt. 05.01.2009)

CONSTITUTION OF INDIA, 1950 – ART. 14 & 16.

Termination of Service on the ground of illegal appointment – Order challenged -

Any appointment even on temporary or on adhoc basis without inviting applications is in violation of the provisions of Articles 14 & 16 of the Constitution and even if the names of Candidates are requisitioned from Employment Exchange, in addition there to it is mandatory on the part of the employer to invite applications from all eligible Candidates from open market as merely calling the names from Employment Exchange does not meet the requirement of the said Articles of the Constitution. Moreover appointment should be made giving wide publicity indicating the eligibility and number of vacancies etc.

In the instant Case notice was only given in the Notice Board of the District Judge's Office but it was never advertised in the News papers having wide publicity inviting applications from those who are eligible for the post so advertised – Held, appointment of the petitioner has been rightly terminated as the appointment was given without following the legal requirement.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

JYOTIPRAKASH ROUT & ORS.-V- STATE OF ORISSA & ORS.
W.P.(C) NO. 10675 OF 2008 . (Dt. 05.01.2009)

**CONSTITUTION OF INDIA, 1950 – ART. 226 r/w REGULATION 41 (b)
OF THE BOARDS REGULATION.**

Annual H.S.C Examination – 220 Candidates including the petitioners appeared in one Centre-Award of 'O' marks on the ground of mass Mal-practice – Action challenged.

Though the Special Squad reported that during their visit a large number of outsiders were present inside the Campus and were supplying books etc. to the examinees but they have not seized any incriminating materials or books alleged to have been supplied by the outsiders to the examinees – The decision appears to have been taken in a routine manner and the Examination Committee has not dealt with the matter with care and caution while taking the extreme decision of cancelling the examination.

Held, decision of cancelling the examination is quashed with a direction that the results of the petitioners alongwith other Candidates be declared within 2 months.

(M.M.Das, J.)

AHALYA PRADHAN -V- STATE OF ORISSA & ORS.
WPCRL NO. 140 OF 2003. (Dt.06.01.2009)

CONSTITUTION OF INDIA, 1950 – ART. 20 & 21.

Custodial death of petitioner's husband- Writ petition for a direction to the State functionaries for payment of compensation.

This Court appointed Justice C.R.Pal, a retired Judge of this Court to enquire into the matter and from the inquiry report it reveals that the death is not homicidal in nature but it is due to the negligence of the police officials, the accused got a chance to commit suicide.

Held, due to the negligent act of the concerned police officers the State Government is vicariously liable for the loss of life of the deceased and for the loss of husband of the petitioner and as such liable to pay Rs.3 lakhs as compensation to the petitioner.

(B.P.Das, J. & R.N.Biswal, J.)

PREMNATH KHANNA @ PRAMNATH KHANNA.-V- STATE OF ORISSA & ORS.
W.P.(C) NO. 8586 OF 2007. (DT.06.01.2009)

ORISSA ESTATE ABOLITION ACT, 1951 – SECS. 6, 7 & 39 r/w SEC. 43 TP ACT.

Application U/s. 6 & 7 OEA ACT – Property settled in favour of the vendor of Dwarika Das Atha – A new and independent title acquired by the intermediary – Petitioner being a subsequent transferee acquired valid title to the property by operation of Section 43 T.P.Act – Section 39 of the Act is a clear bar for questioning the validity of the order of settlement.

Held, impugned order quashed - Direction issued to record the purchased property of the petitioner in his name and to issue corrected ROR to him.

(M.M.Das, J.)

AJAYA KUMAR DASH.-V- STATE OF ORISSA & ANR.
WRIT PETITION (CIVIL) NO. 588 OF 2002. (DT.12.01.2009)

CONSTITUTION OF INDIA, 1950 – ART 309 & 311.

Judicial service – Disciplinary proceeding – Report of inquiry Officer holding the petitioner guilty of charges – Report Placed before the Full Court of the High Court – Full Court found the petitioner guilty and awarded the penalty of reversion – Order of reversion challenged.

Judicial power exercised by petitioner in a most reckless manner and in utmost disregard to the direction and order of the Superior authorities – CCR of the petitioner is consistently poor and his integrity is doubtful and the Full Court seems to have taken a liberal view and instead of dismissing the petitioner from service directed his reversion from OJS (Class- I) to OJS (Class-II).

It is well settled in law and in administration of justice that no compromise can ever be made with a person who lacks integrity and of doubtful character – Held, Writ petition is dismissed.

(Dr. B.S.Chauhan, C.J. & I.Mahanty, J.)

STEEL AUTHORITY OF INDIA LTD.-V- STATE OF ORISSA & ANR.
O.J.C. NOS. 675 & 4568 OF 1996. (Dt.19.01.2009.).

CONSTITUTION OF INDIA, 1950 – ART.226.

Writ jurisdiction – Writ petition must contain all necessary pleadings disclosing all facts and the rights in favour of the petitioner. It must disclose as to when and how the cause of action had arisen and any action or order passed by the Opp.Parties which has created any hindrance to the rights of the petitioner – If the aforesaid particulars are not disclosed the Court should not entertain the Writ petition.

In the present case the Writ petition does not disclose any cause of action for approaching the Writ Court nor the petitioner has challenged any impugned order by which it may be adversely affected.

Held. the question raised in the order of reference Dt.06.03.2003 does not arise for consideration.

(Dr. B.S.Chauhan, C.J., I.Mahanty, J. & S.C.Parija, J.)

PRAFULLA KU. MOHANTY -V- NATIONAL INSURANCE CO. LTD & ORS.
MISC.CASE NO. 102 OF 2006 (Dt.19.01.2009).
(Arising out of RVWPET No. 71/04)

LIMITATION ACT, 1963 – SECS. 5 & 14, r/w Order 47 Rule 1 C.P.C.

Judgment by Division Bench of this Court – Petitioner assailed the judgment in SLP before the Supreme Court - SLP dismissed- Petitioner filed petition before this Court for review of the Division Bench Judgment – Delay of 150 days – Application U/s.5 & 14 to condone the delay.

In this Case the petitioner without filing a petition for review before this Court, approached the Supreme Court and after becoming unsuccessful there, he once again approached this Court for review after the period of limitation and as such, the petitioner has neither acted bona fide nor with due diligence.

Held, there is no sufficient ground to condone the delay in filing the review petition.

(I.M.Quddusi, J. & A.S.Naidu, J.)

THE MANAGEMENT OF CAPITAL URBAN HOUSE BUILDING CO-OPERATIVE SOCIETY LTD.
-V- GOVERNMENT OF ORISSA & ORS.
W.P.(C) NO. 11666 OF 2003 (Dt. 21.01.2009)

INDUSTRIAL DISPUTES ACT. 1947 - Sec. 2 (00) & 25-F

Termination of Service of workman- Tribunal passed award that the termination is neither legal nor justified and the workman is entitled to reinstatement with 50% of back wages – Management filed writ petition challenging the award.

Management admits appointment of the workman as junior Engineer who rendered continuous service for more than one year- No material that the appointment was contractual or for a fixed period

and only for a particular scheme or project and his services stood automatically terminated with the expiry of the period or on termination of such scheme – Moreover the letter of termination does not reveal the reasons for such termination so management cannot take resort to sec.2 (00) (bb) of the ID Act- No material that the workman voluntarily left service without intimation – No action by the management by way of disciplinary proceeding – Held, action of the management amounts to illegal retrenchment of the workman in violation of the mandatory provisions contained in Section 25-F of the ID Act – No illegality in the order of the labour Court so as to warrant interference by this Court.

(S.C.Parija, J.)

SNEHALATA PRADHAN -V- STATE OF ORISSA & OTHERS.

W.P(C) NO.6311 OF 2007. (Dt.30.01.2009)

**ORISSA CIVIL SERVICES (PENSION) RULES, 1962 – RULE 56 (19)
r/w SEC. 108 EVIDENCE ACT. 1872.**

Family Pension claimed by the wife of the missing employee- Son lodged information in Police Station – Police unable to trace out – Charge-sheet issued against the Late husband of the petitioner – Charge pasted at his quarters – Copies of proceedings published in the newspaper- In the absence of any explanation Revenue Divisional Commissioner removed him from service.

In the case of missing pensioner, the Family Pension at the rates indicated in the pension payment order shall be payable as authorised by the Accounts Officer.

Held, the impugned order removing the late husband of the petitioner from service passed by the RDC (ND) Sambalpur was against the provisions of law and is liable to be quashed and the matter is remitted back to pass appropriate orders treating the husband of the petitioner as dead and provide the benefits of arrears of salary and pension etc to the petitioner in accordance with law.

(I.M.Quddusi, J. & Sanju Panda, J.)

DEBENDRANATH BARIK -V- MADHU SUDAN PADHI & ANR.

CONTC OF 1747 OF 2008, (Dt. 30.01.2009)

CONTEMPT OF COURTS ACT. 1971- SEC. 12.

Civil Contempt — Despite opportunity granted neither the contemnors filed show cause reply nor appeared in person nor they complied with the order of this Court.

Held, there is deliberate non compliance of the order of this Court and the contemnors are guilty of committing Civil contempt – No extenuating circumstance to show leniency.

In order to keep in tact the majesty of law and the fabric of administration of justice this Court imposed a fine of Rs.2000/- (Rupees two thousand) on each of the contemnors and directed them to deposit the same before this Court within seven days, failing which each of them shall undergo simple imprisonment for one month.

The Court while cautioned the contemnors to be more alert to the judicial orders in future, directed the State Govt. to comply with the order of this Court Dt.09.09.2008 passed in W.P.(C) No. 10947/2008 within seven days from today.

(B.P.Das, J. & R.N.Biswal, J.)

**NATWARLAL PODDAR & TWO ORS - V-STATE &
SITARAM PODDAR & ANR -V- STATE OF ORISSA.**
CRL APPEAL NO. 31 43 OF 1989 (Dt.30.01.2009)

INDIAN PENAL CODE, 1860 – SEC.304-B.

In order to prove a Case U/s. 304-B IPC., Prosecution should establish the following ingredients:

- (i) that the death of a woman was caused by burns or bodily injury or occurred otherwise than under normal circumstances;
- (ii) that such death occurred within seven years of her marriage;
- (iii) that the deceased was subjected to cruelty or harassment by her husband or by any relation of her husband;
- (iv) that such cruelty or harassment was for or in connection with demand of dowry ; and
- (v) that the deceased was subjected to such cruelty or harassment soon before her death.

In the present Case deceased was subjected to cruelty but there is no evidence that such cruelty or harassment was in connection with demand of dowry soon before her death – Prosecution failed to prove the ingredients of Sec. 304-B IPC . – Held, conviction & sentence U/s.304 IPC is set aside.

(Pradip Mohanty, J.)

SMT. P.ROJAPATRA.-V- SMT. G.SUJATA & ANOTHER.
CRL. REVISION NO. 1273 OF 2008. (Dt.30.01.2009)

CRIMINAL PROCEDURE CODE, 197 – SEC. 144.

Application U/s. 144 Cr.P.C – Suit is pending for declaration of right, title, interest and possession in respect of the Suit land – In the interim application point regarding existence of imminent breach of peace was raised and considered by the Civil Court- Magistrate rejected the application U/s. 144 Cr.P.C.- Hence this revision.

Once the Civil Court is in seisin and passes some interim order, it is not open to the defeated party to approach the Criminal Court to nullify the said order- Executive Magistrate has applied his mind and rejected the petition U/s. 144 Cr.P.C. – In the meantime two months time have elapsed – Held, there is no bar to initiate a fresh proceeding U /s. 144 Cr.P.C. if there is imminent and reasonable apprehension of breach of peace – This Court not inclined to interfere with the impugned order passed by the Executive Magistrate.

(Pradip Mohanty, J.)

HARISHANKAR MEHER.-V- STATE OF ORISSA.
JAIL CRIMINAL APPEAL NO. 54 OF 1999.(Dt.02.02.2009)

INDIAN PENAL CODE, 1860 – SECS. 229, 300 & 302.

Conviction U/s. 302 IPC Challenged.

Injuries on hand, not a vital part of the body for causing death in ordinary course – Intention of the accused at the time of inflicting the injury was not to kill but asking the deceased to sacrifice one hand - No doubt that the appellant caused death of the deceased but without having knowledge

that the bodily injuries would result in death or that he knew that the injuries must cause death or likely to cause death of the deceased – So offence committed by the appellant does not qualify the definition of the term “ Murder ” as provided U/s. 300 IPC., but it fulfils the requirement of culpable homicide as provided U/s. 299 I.P.C - Although the appellant had the intention of causing bodily injury, had no knowledge or intention to cause death but such bodily injury resulted in the death of the deceased – Held, appellant is punishable U/s. 304 First part of the IPC and not U/s. 302 IPC.

(P.K.Tripathy, J. & Sanju Panda, J.)

GAYASUDDIN KHAN. -V- MRS. KAHKASHAN KHAN & ANR.

CRIMINAL REVISION NO. 751 OF 2006 (Dt.03.02.2009)

MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT. 1986 - SEC. 3 (2)

r/w SEC. 125 Cr.P.C.

Maintenance claimed by Muslim wife & son U/s. 3(2) of the Act – Objection to award maintenance to the son under the said provision and to wife beyond iddat period – Maintenance allowed – Order challenged in revision.

Muslim husband is liable to make reasonable and fair provision for the future of the divorced wife which includes maintenance and liability to pay maintenance is not confined to iddat period - There is no provision in the Act for the children to claim maintenance from their father and their right covered U/s 125 Cr.P.C. and that right is not taken away by the provisions of Section 3(1) (b) of the Act – However considering the settled principle that wrong nomenclature of a petition is not binding on the Court, the learned trial Court allowed the prayer of the son - Held, this Court finds no merit in the revision which is dismissed.

(B.K.Patel, J.)

JAYA KRISHNA SABAT. -V- DISTRICT JUDGE, KANDHAMAL & ORS.

W.P.(C) NO. 1439 OF 2007. (Dt. 05.02.2009)

CONSTITUTION OF INDIA, 1950 – ART. 226 & 227.

Service - Resignation letter Dt.27.11.2006 – Appointing authority accepted it on 02.12.06 with stipulation that petitioner would retire w.e.f. 28.02.07- Application Dt. 22.12.06 to withdraw resignation letter – Application rejected – Hence this Writ Petition.

Employer does not have a right to prepare the date of effectiveness of resignation as it is the sole discretion of the employee as from which date he wants to retire – In case of a prospective resignation, the employee has a right to withdraw the resignation prior to the date it becomes effective and not subsequent to it.

In the instant case the petitioner submitted application for resignation to be accepted with immediate effect but the appointing authority accepted it w.e.f. 28.02.07 – Petitioner filed application for withdrawal of resignation prior to 28.02.07 – Held, petitioner has a right to withdraw the same .

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

PREMLAL PANDA & ANR. –V- UNION OF INDIA & 6 ORS.

W.P.(C) NO. 2034 OF 2009. (Dt.11.02.2009)

CONSTITUTION OF INDIA, 1950 – ART. 226 & 227.

Service – Transfer - Order challenged before the Tribunal – Application dismissed – Hence this Writ petition.

Transfer is a condition of service - It does not adversely affect the status or emoluments or seniority of the employee – The employee has no vested right to get a position at a particular Place – It is within the exclusive domain of the employer to determine as to at what place and for how long the services of a particular employee are required – There is a very little scope of judicial review by the Court / Tribunal against the transfer order and only if it is found to be in contravention of the statutory Rules or for malafide that the Court can interfere.

In the present case petitioners were working at Burla Research Centre which was closed down in view of the policy decision taken by the employer – So transfer of petitioners was not in an ordinary circumstances but under compelling circumstances – It is not the Case of the petitioners that the transfer order is in violation of any statutory provisions or is a product of malice but only ground is personal inconvenience of the employees – Held, no ground for interference by this Court – Writ petition dismissed.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

M/S. ORISSA SMALL INDUSTRIES CORPORATION LTD.-V- STATE OF ORISSA,

STREV NO. 476 OF 2008. (Dt.11.02.2009)

ORISSA SALES TAX ACT, 1947- SEC. 2(g)

Photo Identity Card - Prepared by petitioner- Supplied to the Chief Election Officer- Whether the transaction is in the nature of sale – No.

Photo Identity Cards of Voters are not Commodities sellable in open market – Had it been photographs of Goddess, national leaders, popular film stars or Cricketers which are tradable in open market, would have been exigible to tax if not other wise exempted – Hence price paid by CEO to the petitioner is on account of labour and service rendered and it does not attract tax levy under OST Act.

Held, supply of photo identity Cards to CEO can not be held as sale – It is a contract for labour and service.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

**M/S.SIMPLEX CONCRETE PILES (INDIA) LTD. –V- SALES TAX OFFICER,
DHENKANAL CIRCLE- ANGUL & ANR.**

O.J.C NOS. 115991 & 11593 OF 2001. (Dt.11.02.2008)

ORISSA SALES TAX ACT. 1947 – SEC. 14, 14-D.

Refund application of petitioner Dt.02.05.1997 was rejected by the STO vide order Dt.12.07.2001 after assessment attained finality by virtue of order passed in suo motu revision – Hence the writ petition.

In the impugned orders the STO has not assigned any reason as to why he has not released the amount of refund within 90 days from the date of filing of refund application and waited till orders passed by the ACST raising demand against the petitioner in his suo motu revisional order – No reason assigned as to why no order was passed by the commissioner exercising his power U/s. 14 D to withhold the refund.

Held, this Court while quashing the impugned order rejecting petitioners refund application declare that the dealer was entitled to interest U/s. 14-C of the OST Act from the date of filing of the refund application i.e. 02.05.97 till the date of payment.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

M/S. MANGALAM TIMBER PRODUCTS LTD. -V- SRI SAILESH KU. GANTAYAT

W.P.(C) NO. 7401 OF 2008 (Dt.11.02.2009)

INDUSTRIAL DISPUTES ACT, 1947 – SEC. 11-A.

Theft by Workman – Dismissal from service – Industrial dispute raised – Labour Court modified punishment directing re-instatement – Award Challenged.

In this case charge of theft established and the workman admitted the same- Charge of theft is a serious misconduct involving honesty and integrity of the workman – Management is bound to lose trust and confidence on such workman – Sympathy and leniency shown by Labour Court is misconceived and it may encourage others and prove counter productive and detrimental to the interest of the establishment – Misconduct of the nature of theft has to be viewed seriously.

Held, interference of Labour Court with the punishment of dismissal not justified – Impugned award quashed.

(S.C.Parija, J.)

M/S. KALINGA BROOMS.-V- COMMISSIONER OF COMMERCIAL TAXES, ORISSA

ST REVISION NOS. 55 & 56 OF 2007. (Dt.12.02.2007)

ORISSA SALES TAX ACT, 1947 –SEC. 24.

Whether broom sticks bunched together for broom serves the same purpose and shall be same commodity – No.

Petitioner's Case is there is no distinction between broom sticks and broom and as such not liable to pay tax on the sale of brooms – Revenue submits that there should be no tax exemption on the sale of brooms which is a finished product – According to the Tribunal broom sticks were raw materials and brooms were finished products.

Held, it cannot be said even by any stretch of imagination that broom sticks have not suffered the process of manufacturing and it is not a different commercial item than the brooms – No reason to take a view contrary to the view taken by the Tribunal.

(Dr. B.S.Chauhan, C.J. & I.Mahanty, J.)

SARAT CHANDRA NANDA -V- PUSPALATA NANDAW.P.(C) NO.11098 OF 2008.(Dt.12.02.2009)**CIVIL PROCEDURE CODE 1908 - ORDER 9, RULE 9 r/w SEC. 5 LIMITATION ACT.**

Suit for eviction – Suit dismissed for default – Plaintiff petitioner filed petition under order 9 Rule 9 CPC – Delay of two and half years- Application to condone delay Stating that during that period he was ill and examined by a physician – Application rejected – Hence the Writ petition.

Evidence of the physician disclosed no finding regarding the systolic and diastolic reading of the blood pressure alleged and the prescriptions were not produced and stated to be lost and there was lack of Justifiable reasons that the plaintiff was immobilized due to illness and therefore he committed default.

While condoning delay the Court should not forget the Opp.Party and it must be borne in mind that she is a loser and she too would have incurred quite a large litigation expenses – Held, delay of two and half years amounts latches towards the Court and therefore the plaintiff is liable to pay Rs.2500/- as cost to the other side who is a poor widow.

(S.R.Singharavelu, J.)

MISS LOPAMUDRA MISHRA.-V- ASSISTANT COMMISSIONER OF INCOME TAX & OTHERS.I.T.A. NO. 219 OF 2004, (Dt.13.02.2009).**INCOME TAX ACT, 1961 – SEC.115 BB.**

Appellant participated in “ *Kaun Banega Crorepati* ” programme – She was awarded Rs.25 lakhs on 5.11.2000 – Revenue insisted for payment of tax U/s.115 BB - The appellant Challenged the demand on the ground that Section 115 BB has no application to her Case as explanation to Sec. 2(24)(ix) was inserted w.e.f. 01.04.2002 – Income Tax appellate Tribunal turned down her plea – Hence the writ petition.

Question arose whether receipt of award by the appellant on 05.11.2000 can be said to be income and exigible to income tax for the assessment year 2001-02 especially when the Explanation to Sec. 2(24) (ix) was brought into effect from 01.04.2002 – Since the Tribunal failed to take into account the aforesaid fact this Court remanded the matter to the Income Tax Appellate Tribunal to pass fresh orders keeping in view the date of amendment to the relevant statute and the date from which the amendments to statute came in to operation.

(Dr. B.S.Chauhan, C.J. & Indrajit Mahanty, J.)

ANSHUMAN BEHERA. -V- ORISSA STATE FINANCIAL CORPORATION & ORS.O.J.C. NO. 11428 OF 2001. (Dt.17.02.2009)**STATE FINANCIAL CORPORATION ACT, 1951 – SEC.29 r/w CLAUSE 13 (10) OF ORISSA ELECTRICITY REGULATORY COMMISSION DISTRIBUTION (CONDITION OF SUPPLY) CODE, 2004.**

Auction purchase of one industrial Unit - Petitioner applied to O.P.2 for fresh power connection - Connection denied until outstanding dues of the earlier occupant is deposited vide letter Under Annexure-3- Action challenged.

Proviso to clause 13 (10) of the Code has no application when ownership of the premises is transferred under the provisions of the State Financial Corporation Act, 1951- In the present Case ownership of the premises having been transferred U/s. 29 of the O.S.F.C. Act Clause 13 (10) has no application.

Held, Letter under annexure -3 is quashed - Direction to O. P.2 & 3 to grant fresh power connection in favour of the petitioner without insisting to pay the arrear dues of his predecessor entrepreneur.

(Dr. B.S.Chauhan, C.J. & I.Mahanty, J.)

ANADI MAHANANDA -V- STATE OF ORISSA.
JAIL CRIMINAL APPEAL NO. 70 OF 1999. (Dt. 17.02.2009).

INDIAN PENAL CODE, 1860 - 84.

Insanity – Conviction U/s. 302 IPC. Challenged on that ground alone.

Neither any plea has been taken by the appellant in his statement recorded U/s.313 Cr.P.C. nor has any document been produced to show that the appellant was being treated for insanity at any point of time – No doctor has also been examined on behalf of the Appellant to prove such a plea – Merely because two witnesses make stray statements that at one time the appellant was insane, such plea can not be advanced without any further proof- The father of the Appellant, who is the informant in the case, has also not stated about the insanity of the appellant in the F.I.R. Held, plea of insanity rejected – No justification to interfere with the impugned judgment.

(L.Mohapatra, J. & Pradip Mohanty, J.)

MURALIDHAR MAJHI & ANR -V- BRAJENDRA KUMAR SAHU & ANR.
S.A NO. 272 OF 1996 OF 1996 . (Dt.17.02.2009)

LIMITATIONACT, 1963 – ARTICLES 64 & 65.

Adverse possession – While dealing with adverse possession inquiry into the starting point i.e. the date on which the true owner got dispossessed is an important aspect to be considered. The Defendants have also not come up with a clear disclosure as to from which date they displayed hostile animus – Law is well settled that possession for any length of time without claiming hostile animus would not become adverse – The onus of proving adverse possession is always on the person who sets up the plea.

In the present Case defendants 1 & 2 have taken the plea of adverse possession and as such the onus was open to them to establish that the title of the plaintiffs over the suit land had been extinguished due to their acquisition of title by adverse possession – The defendants to succeed in the Case were required to establish continuous uninterrupted possession having hostile animus for a period of twelve years which they have totally failed.

Held, Courts below have dealt with both oral & documentary evidence - Concurrent finding of fact- This Court not inclined to interfere.

(A.S.Naidu, J.)

**ORISSA PRIVATE LAW COLLEGE TEACHERS' ASSOCIATION & ORS.
-V- STATE OF ORISSA & ORS.**

O.J.C NO. 5764 OF 1993. (Dt. 19.02.2009)

ORISSA EDUCATION (AMENDMENT) ACT, 1994 – SEC.7-C r/w Article 21
& 39-A Constitution of India.

Grant-in-aid to private law Colleges - Article 21 read with Article 39-A of the Constitution Castes a duty on the State to afford grant-in-aid to the recognised private law Colleges- Constitution of Committee by Government to recommend regarding development of standards of teaching in law Colleges – Committee headed by Hon'ble Justice L.Mohapatra recommended the State Govt. to provide grant-in-aid to all the Colleges in the State.

Provisions of Sec-7-C and the plea of paucity of funds shall not stand in the way of the Government taking a positive decision on the recommendation of the committee- Held, direction to Opp.Parties to implement the recommendation of the committee within six months for extending the benefits of grant in aid to recognised private law Colleges existing in the State.

(B.P.Das, J. & B.P.Ray, J.)

MAHENDRA KISSAN & ANOTHER. -V- STATE OF ORISSA.
CRIMINAL APPEAL NO. 287 OF 2006 (Dt.19.02.2009)

INDIAN PENAL CODE, 1860- SEC. 376 (2) (G).

Gang rape – While appellant No.2 was committing sexual intercourse appellant No.1 was forcibly holding the arms and gagged the mouth of the victim- Thereafter appellant No.1 took the role of appellant No.2 and the appellant No.2 committed sexual intercourse – P.W.10 has stated that she saw the victim crying and both the appellants fled away from the spot – Trial Court sentenced each of the appellants to undergo imprisonment for life and to pay fine of Rs.20,000/- each in default to undergo further R.I. for a period of one year - Hence the appeal.

The Court taking into consideration that the appellants were minors at the time of occurrence held that imprisonment for ten years alongwith fine and the default sentence as imposed by the trial Court will meet the ends of justice.

(L.Mohapatra, J. & Pradip Mohanty, J.)

**SUNIL KUMAR DASH. -V- THE DISTRICT JUDGE-CUM-
APPOINTING AUTHORITY, KEONJHAR & ANR.**
W.P.(C) NO.1130 OF 2003 (Dt. 25.02.2009).

CONSTITUTION OF INDIA, 1950 – ARTS. 309. 311 r/w RULE 10, ORISSA.
District & Subordinate Courts Ministerial services (Method of Recruitment and Conditions of Service) Rules,1969.

Promotion – Petitioner is senior to O.P.2 – Promotion of O.P.2 - Petitioner has adverse entries in his C.C.R – Action challenged as delayed communication of adverse entries was malafide.

The adverse remarks contained in the C.C.R of the petitioner was taken into consideration on the date of consideration of promotion and such adverse remarks had in fact been communicated to

the employee and the only plea that the communication had been made late, which for the reasons indicated is not a fact – Further, in the present Case the adverse remarks have remained as on date and the same have not been expunged.

Held, petition lacks merit and is accordingly dismissed.

(Dr. B.S.Chauhan, C.J. & I.Mahanty, J.)

BISHNU CHARAN HOTA -V- SMT. MUKTA MANJARI HOTA
MATRIMONIAL APPEAL NO. 44 OF 2005.(Dt.25.02.2009)

HINDU MARRIAGE ACT, 1955 – SEC.13.

Decree for divorce refused – Order challenged.

Wife filed Criminal Proceeding for maintenance- Thereafter husband filed Criminal Proceeding for divorce- Action of the husband is an after thought to counter blast the claim of the wife – Husband took the plea that the respondent wife admitted about her swelling feet and as such she was suffering from filaria – Contradictory statement both in pleadings and in evidence.

Held, Institution of Criminal Proceeding by respondent wife cannot be regarded as an act of cruelty by the respondent on the appellant-husband - No reason to differ from the conclusion arrived at by the Family Court refusing decree for divorce.

(P.K.Tripathy, J. & L.K.Mishra, J.)

STATE OF ORISSA -V- MANAGOBINDA SAHOO.
CRIMINAL MISC.CASE NO. 1244 OF 2001.(Dt. 25.02.2009)

CRIMINAL PROCEDURE CODE, 1973 – SEC. 378.

Leave to appeal against an order of acquittal – Investigation of the Case conducted by P.W.7 who was a party to the vigilance raid and a witness for the prosecution.

Conclusion of the Trial Court that investigation of a Case by a witness is not desirable and there is possibility of tainted investigation in order to bolster up a prosecution case so as to create evidence which may enable the Court to record a conviction.

The duty of the investigating Officers is not merely to bolster up a prosecution case with such evidence as may enable the Court to record a conviction but to bring out the real unvarnished truth.

In order to ensure the fair and impartial investigation, it must be ensured that the investigation is carried out by a person who is absolutely impartial, unbiased and unmotivated – The Rule of law makes it unthinkable to allow a witness to a Crime to be the investigator into the said Crime.

Held, prayer for leave to appeal rejected.

(I. Mahanty, J.)

TAPASH KUMAR RATH -V- HAREKRUSHNA PRADHAN.
CRIMINAL REVISION NO. 245 OF 1996 (Dt.25.02.2009)

CRIMINAL PROCEDURE CODE, 1973- SEC.197.

Petitioner filed complaint case against Opp. Party - Opp.Party is a police officer- Magistrate refused to take cognizance on the ground for want of sanction – Hence this revision.

Admittedly complainant was arrested in connection with Khunta P.S.Case No. 26/96 corresponding to G.R.Case No. 67/96 in the file of the learned S.D.J.M. Udala – Complainant was legally taken to custody by the accused – Allegations of assault – Such assault might be in exercise of the performance of the official duty but can not be totally unrelated to the official duty or can not be held to be not in course of performance of official duty – Held, the Opp.Party is entitled to the protective umbrella U/s. 197 Cr.P.C.

(B.K.Patel, J.)

**K.NARAYAN RAO & ORS.-V- STATE, TRIPATI SAHUKAR -V- STATE
& P.BABU RAO -V- STATE OF ORISSA & ORS.**

W.P (C) NOS.12912/2008,10837/2008 & 11584/2008 (DT.26.02.2009)

BIHAR & ORISSA EXCISE ACT, 1955 – SECS. 7, 22 & 42.

License granted to petitioners to operate out still liquor shops at Paralakhemundi – Breach of conditions of the licenses – Show cause notice issued by Superintendent of Excise Gajapati as to why such licenses be cancelled – Legal authority to issue notice to show cause is challenged.

Delegation of power U/s.7 (2) (e) to the Collector who is the competent authority to dealwith the condition of license both for granting it and for its suspension or cancellation – Held, show cause notice issued by the Excise Superintendent is without jurisdiction.

(P.K.Tripathy, J. & L.K.Mishra, J.)

**SRI P.SATYANARAYAN PATRO. –V- ORISSA POWER TRANSMISSION
CORPORATION LTD., BHUBANESWAR.**

W.P.(C) NO. 17240 OF 2007. (Dt.26.02.2009).

CONSTITUTION OF INDIA, 1950 – ART. 226 & 227.

Departmental Proceeding against the petitioner a retired Govt. Servant- Punishment for reduction of 20% of his pension permanently – Order challenged.

Charge framed against the petitioner that due to his negligence two towers constructed during 1987 got uprooted in 2003- There were three charged Officers – the petitioner, the then SDO and the then Executive Engineer were found guilty in the ratio 5.3.2. but disciplinary authority exonerated SDO and Executive Engineer and found the petitioner guilty - Enquiry report shows, the work of the SDO was to supervise the work of the petitioner – He passed the bill without supervising the work – The disciplinary authority without examining all the points found the petitioner guilty while exonerating the other two delinquents – Held, impugned orders quashed.

(B.P.Das, J. & R.N.Biswal, J.)

ANGADA KARKARIA. -V- STATE OF ORISSA.
JAIL CRIMINAL APPEAL NO.48 OF 2002 . (Dt.26.2.2009)

INDIAN PENAL CODE, 1860 – SEC, 300.

Murder Case – Non-explanation of injuries sustained by accused.

Ext.7 shows that the appellant has sustained several injuries and the prosecution has not explained as to how the appellant sustained such injuries.

Prosecution having not explained the injuries sustained by the appellant, it is guilty of suppressing the genesis and origin of the occurrence and has not presented the true version of the Case.

Held, this Court extends the benefit of doubt to the appellant and acquitted him of the charge.

(L.Mohapatra, J. & Pradip Mohanty, J.)

M/S. DEEPAK TRADING COMPANY. –V- STATE OF ORISSA & ORS.
W.P.(C) NO. 9581 OF 2008.(Dt.03.03.2009).

ORISSA VAT ACT, 2004 – SEC. 32(1) , r/w SUB-RULE 3 OF RULE 30 OF OVAT RULES.

Tender – Supply of Soya Chunks for Mid-day Meal programme – Bid submitted by petitioner & O.P.3- Petitioner became lowest bidder and his bid was accepted – Complaint against petitioner – Agreement with petitioner cancelled and fresh contract with O.P.3 for supply of Soya Chunks at the rate quoted by the petitioner - Hence the Writ petition.

Petitioner misrepresented himself by submitting VAT clearance certificate standing in the name of his late father – Law is well settled that in the absence of a valid application accompanied by genuine documents as required in the tender call notice, no contract can be awarded in favour of such person which amounts to fraud – Petitioner being the legal heir had not informed the registering authority of the circle the date of death of his father who could have cancelled the certificate of registration in writing from the date specified in that order- Held, O.P.1 is justified to enter into a fresh contract with O.P.3 for supply of Soya Chunks to the school going children.

(I.M.Quddusi, J. & B.P.Ray, J.)

KANHU CHARAN SETHY & ORS. -V- STATE OF ORISSA & ORS.
O.J.C.NO. 1421 OF 1996. (Dt.04.03.2009).

CONSTITUTION OF INDIA, 1950 – ART. 14 & 16.

Post of Junior Assistant- Petitioners & others were sponsored and faced written test, personal interview as well as career marks – Selection committee recommended their names for appointment – Opp.parties terminated the service of the petitioners but retained the service of the Candidates placed below in the merit list vide annexures-1 & 2 - Hence the Writ Petition.

While relieving the petitioners no deficiency in their performances has been indicated under annexures-1 & 2 – Moreover the action of the Opp.Parties is discriminatory while relieving the petitioners and retaining their juniors and other failed Candidates and regularized them in service .

Held, impugned orders under annexures-1 & 2 are quashed and direction issued to Opp.Parties to regularise the petitioners within a period of six months from the date of communication of this order and consider their claim for consequential benefits.

(B.P.Das, J. & M.M.Das, J.)

M/S. SREE OSIYA TRADING CORPORATION -V- CUTTACK DEVELOPMENT AUTHORITY & ORS.
W.P.(C) NO.18078 OF 2008. (Dt.04.03.2008)

CONSTITUTION OF INDIA, 1950 – ART. 226.

Writ jurisdiction – False facts on oath – Court can impose costs.

In the instant case O.P.2 became highest bidder- Unsuccessful bidder challenges the terms of the tender alleging mala fides and irregularity.

This Court on examination of records found that highest offer was made after all tender papers were opened and bids were made public- Held, no infirmity in the tender process - Writ petition contains distorted facts and wild allegations – Prayer for a direction to re tender or to accept the higher bid than O.P.2 in course of hearing not accepted – As some false facts stated on oath this Court imposed a cost of Rs.10,000/- on the petitioner.

(B.P.Das, J. & B.P.Ray, J.)

I.CHINA RAO. -V- STATE OF ORISSA.
CRIMINAL APPEAL NO. 107 OF 1998. (Dt.04.03.2009)

EVIDENCE ACT, 1872 – SEC. 32.

Dying declaration – Deceased died due to born injuries – P.W.9 is the doctor who recorded the dying declaration in presence of P.W.10, another doctor – He has specifically stated that the deceased was in a conscious state of mind to give answers to the questions – He recorded dying declaration in presence of witnesses and obtained the signature of the witnesses – He has also stated that the signature or thumb impression of the deceased could not be taken as her palm, fingers and the body was affected by born injuries - Held, no infirmity in the dying declaration recorded by P.W.9 - Conviction of appellant U/s. 302 IPC is justified.

(L.Mohapatra, J. & Pradip Mohanty, J.)

GOKULANANDA PRADHAN. -V- STATE OF ORISSA & ORS.
W.P.(C) NO.17334 OF 2007, (Dt.05.03.2009)

ORISSA CIVIL SERVICE REHABILITATION ASSISTANCE RULES, 1990 - RULE- 2(a), 4 & 9 (7).

Father of petitioner died in harness – Petitioner was a minor then- His elder brother was in service but separated by a decree of the Civil Court – After attaining

Majority he filed application for compassionate appointment.

As per rules for compassionate appointment no family member should be in employment and the income of the family of the deceased employee should not exceed Rs. 20,000/- a year - No provision in the rules to exclude any family member who is living separately after partition

Held, petitioner is not entitled to get employment on compassionate ground for the reason that his brother is in service and if his income is added to consider the income of the family, the petitioner is not eligible as per the rules. Writ petition dismissed.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

KASI @ KASINATH NAHAK & ORS. -V- STATE OF ORISSA.
CRIMINAL APPEAL NO. 103 OF 1996. (Dt.05.03.2009)

INDIAN PENAL CODE, 1860 – SEC. 302.

Conviction U/ss. 148, 302, 149 IPC is under challenge.

Record reveals that both the accused party as well as the informants party assaulted each other- Accused persons in their statement U/s. 313 Cr.P.C. stated so – Prosecution has not pointed out anything to discard that material evidence – Such evidence shows there was altercation between the two groups and the Villagers on the spur of the moment assaulted the deceased who died on the spot and the said act of the accused persons comes under Exception - I of Section 300 IPC which is culpable homicide not amounting to murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes death of the person who gave the provocation.

Held, this Court set aside the conviction & sentence U/s. 302 I.P.C. and convicted the appellants U/s. 304 1st Part IPC without separate sentence U/ss. 148/149 IPC.

(P.K.Tripathy, J. & Sanju Panda, J.)

CHHATIA PALEI & ANR.-V- ADJ- CUM – SESSIONS JUDGE NAYAGARH & ORS.
O.J.C. NO. 5463 OF 1998. (Dt.06.03.2009.)

SPECIFIC RELIEF ACT, 1963 – SEC. 38 (3) r/w SEC.47, ORDER 21, RULE 32 & 35 C.P.C.

Decree for perpetual injunction – Decree allowed to be final – In the absence of plaintiff defendants trespassed in to the Suit land – Plaintiff-Decree holder filed execution case seeking recovery of possession- Objection filed by the Defendants-Judgment Debtors – Executing Court held decree is in-executable – Order challenged in revision – Revision allowed and order of the executing Court was set aside – Hence this Writ petition.

Held, a decree holder in a decree for permanent injunction can seek execution of such a decree and to that extent the Executing Court is within its competence to direct recovery of possession for a decree holder who has been dispossessed after a decree of permanent injunction has been passed. Writ petition deserves to be dismissed.

(I.Mahanty, J.)

BALABHADRA MAJHI -V- SUB-COLLECOTOR -CUM- RETURNING OFFICER
CRLMC NO. 2731 OF 2006, (Dt.16.03.2009)

CRIMINAL PROCEDURE CODE, 1973 – SEC. 473.

False affidavit in the nomination form – complaint filed after two years – Cognizance taken U/s. 125-A of Representation of people Act read with Sec. 177 I.P.C – Order challenged on the ground that in view of the offence alleged, complaint was required to be filed within one year.

U/s. 473 Cr.P.C. Court can take cognizance even after expiry of the period of limitation by passing a speaking order – In the instant case when period of limitation expired a right accrues in favour of the accused so before condoning the delay he must have been given a chance of being heard – Held, no chance having been given to the petitioner, the order taking cognizance is bad in law.

(R.N.Biswal, J.)

SHRI ARUN CHANDRA TRIPATHY.-V- STATE OF ORISSA.
CRLMC. NO. 325 OF 2007. (Dt. 17.03.2009)

CRIMINAL PROCEDURE CODE, 1973 – SEC.197.

For invoking Section 197 Cr.P.C. two conditions must Co-exist (a) the accused was a public servant removable from office only with the sanction order of the State Government or the Central Government and (b) he must be accused of an offence alleged to have committed by him while acting or purporting to act in due discharge of his official duty.

In the present Case petitioner had been deployed to maintain law and order at Balisahi at the relevant point of time as found from the command Certificate and the supervision report of Dy. S.P. – The petitioner and others arrested Fakir Mohan Panda in Puri Town P.S.Case No. 239 of 93 and it is alleged that while he was carried in a police vehicle he was assaulted by the petitioner – So it cannot be said that alleged offence not committed while discharging official duty – Held, in the absence of sanction order, the impugned order including the order of taking cognizance against the petitioner deserves to be quashed.

(R.N.Biswal, J.)

M/S.R.B.AGARWAL & CO.(P) LTD.-V- STATE OF ORISSA & ORS.
W.P.(C) NO. 5060 OF 2008, (Dt.20.03.2009).

ORISSA SALES TAX ACT, 1947 – SEC – 23 (4) r/w RULE 80 OST RULES 1947 & RULE 22 CENTRAL SALES TAX (ORISSA) RULES, 1957.

Assessment of dealer claiming penultimate Sale U/s.. 5(3) CST ACT allowed – A.G. audit raised objection that goods supplied to the ultimate exporter are not those goods contemplated U/s. 5(3) CST Act - Re-assessment proceeding was initiated on such objection and dropped – Suo motu revision by Asst. Commissioner of sales tax was initiated on the self same audit objection – Hence the writ petition.

Held, the revisional authority cannot exercise its jurisdiction under Rule 80 of the OST Rules readwith Rule 22 of the CST (0) Rules on the basis of the self same audit objections which have been rejected by the assessing officer in reassessment proceeding merely because the revisional authority does not agree with the view of the assessing officer even though the said view is sustainable in law.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

SRI SANJAY KUMAR DAS BURMA. –V- STATE OF ORISSA.
CRLMC NO. 2431 OF 2007. (Dt.20.03.2009)

CRIMINAL PROCEDURE CODE, 1973 – 482.

Complaint Case – Order taking cognizance U/s. 177/181 IPC. – Prayer to quash the order.

Petitioner disclosed that he is the Director of Neelachal Builders Private Limited but he has not stated the number of shares held by him – No specific provision to disclose the number of shares – No material to show that petitioner has furnished any false information – When Prosecution of the petitioner U/s. 177 IPC is unwarranted question of Proceeding U/s. 181 IPC does not arise – Moreover cognizance has been taken beyond the period of limitation as prescribed U/s. 468 Cr.P.C. – Held, continuation of Criminal Proceeding will amount to abuse of process of the Court which is accordingly quashed.

(B.P.Ray, J.)

SATYAJIT MOHANTY & ANR. –V- STATE OF MEGHALAYA & ORS.
W.P.(Crl) NO.131 OF 2008. (Dt.20.03.2009)

CONSTITUTION OF INDIA. 1950 – ART. 226 (2).

Territorial Jurisdiction under Article 226 (2) of the Constitution – Determination of – Cause of action must be within the Courts territorial jurisdiction.

The place of residence of the person moving a High Court is not the Criterion to determine the contours of the cause of action in a particular Writ petition – The High Court before which the Writ Petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction.

In the present case admittedly no part of the cause of action arisen in the state of Orissa except the fact that petitioners at present residing at Puri and the alleged offence U/s. 366 IPC was committed at shillong in the State of Meghalaya – Held, no act or any event in connection with the alleged offence having taken place within the State of Orissa this Court has no jurisdiction to entertain the Writ petition.

(S.C.Parija, J.)

SUDARSAN SAHOO.-V- STATE OF ORISSA & 3 ORS.
W.P.(C) NO. 11307 OF 2006. (Dt.23.03.2009)

CONSTITUTION OF INDIA, 1980 – ART. 226 & 227.

When a person approaches a Court of equity in exercise of its extraordinary jurisdiction under Article 226/227 of the Constitution he should approach the Court not only with clean hands but also with clean mind, clean heart and clean objective.

In the present Case petitioner has no legal right, title or interest over the suit property and he is a rank-trespasser- He failed to get any interim order from the Civil Court – He has suppressed the material fact of pendency of the Civil Suit in the Writ petition.

Held, petition lacks merit and is accordingly dismissed.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

UNION OF INDIA & 4 ORS. –V- SRI R.V.RAO.
W.P.(C) NO.11247 OF 2006, (Dt.23.03.2009).

CONSTITUTION OF INDIA, 1950 – ART. 311 (2).

Removal from service – Delinquent employee approached Central Administrative Tribunal – Tribunal allowed the application and set aside the order of punishment - Hence this petition – Admittedly there has been no charge regarding misappropriation or unlawful gain by the delinquent employee – Punishment awarded is disproportionate to the gravity of the misconduct which is liable to be set aside and some minor punishment could have been sufficient to meet the ends of justice as it was a clear cut case of negligence and not of corruption – Held, the employee be reinstated in service without claiming any back wages but he shall be entitled to other benefits for the past period of his service.

(Dr. B.S.Chauhan, C.J. & B.N.Mahapatra, J.)

MAMATA MOHANTY -V- STATE OF ORISSA & ORS.
RVWPET NO. 196 OF 2008. (Dt.24.03.2009)

CIVIL PROCEDURE CODE, 1908 - ORDER 47 RULE 1.

Review – Final Order passed in Writ petition is sought to be reviewed.

There is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every Court of Plenary jurisdiction to prevent miscarriage of justice or to correct grave or palpable errors committed by it .

It is well settled that the power of review is available only when there is a mistake or an error apparent on the face of the record and not for correcting an erroneous decision.

In the present Case , the petitioner has not specified as to what is the glaring omission or error apparent on the face of the record which requires reconsideration by way of review. The order sought to be reviewed may have been erroneous or even illegal but the same can not be a ground for review – Held. Review application is not maintainable.

(I.M.Quddusi, J. & S.C.Parija, J.)

BIPIN MAHAKUD & ANR. –V- STATE OF ORISSA
CRIMINAL APPEAL NO. 213 OF 1999 & JCRLA NO. 219 OF 1999. (Dt.27.03.2009)

CRIMINAL PROCEDURE CODE, 1973 – SEC. 392.

Hearing of appeal by a Division Bench of this Court – Both the Judges held the order of conviction to be unsustainable- However when one Judge opined that the Case to be remanded for retrial the other Judge was of the opinion that the impugned judgment of conviction and sentence had to be simply set aside – Hence the matter placed before this Bench for opinion U/s. 392 Cr.P.C.

It is well settled that retrial should not be directed to simply allow the prosecution to fill in the gaps- Held, the facts and circumstances of the present case do not warrant remand of the case for retrial – The impugned judgment of conviction and sentence is set aside.

(B.K.Patel, J.)

**Inaugural Address by Hon'ble Dr Justice B.S.Chauhan, Chief Justice,
Orissa High Court at the District Judges' Conference, 2008.**

on 20.03.2009

Good afternoon to all of you. I on my behalf and on behalf of my brothers and sister Colleagues cordially welcome the Judicial Officers of the State to this Conference.

It is first time for me to attend such a Conference since I have joined here on 16th July, 2008 as Chief Justice of this Court and I am told that such Conferences were held in the past which is not the practice in most of the other States.

We have assembled here to interact on the achievements, and problems related to working in the Courts. Therefore, this Conference has assumed importance and this is a moment of introspection as to whether we had been able to achieve the goal. At this juncture, I would like to quote the famous words of Lord Macmillan while addressing to a group of lawyers which are equally applicable to us, they being eternal :

“Gentlemen, I appeal to you for once. Lift your eyes from your table; look beyond the window of your chamber. You will see the common man staring at you. He raises a question mark. The question mark raised by the common man may be silent and invisible to-day, but it may be vociferous and visible tomorrow.”

You are well aware that the judiciary is one of the three limbs of the State and has been put on a very high pedestal. Our Constitution has assigned to the judiciary the role of sustainer of the rule of law. The subordinate judiciary nay the District judiciary is the life-line of the fabric of judiciary. It is the bulwark on the basis of which the independence of judiciary is founded. Judiciary is the only machinery which safeguards the interests of the general public and is comparatively on a higher pedestal than the other machineries functioning under the Constitution.

Unity in diversity is a basic feature of our country. In different areas of the State we have different customs, traditions, usages, conversational style and habits. The Judicial officers are required to move throughout the State keeping in touch with the sentiments of the people and the members of the Bar for dispensation of justice. Therefore, they have to be very cautious in their approach to judicial work in order to repose great confidence of the people in the judiciary. In a democratic set up, the concept of justice is not confined to judiciary alone. It also requires all other pillars of democracy to follow the rule of law. If the people lose faith in justice dispensation system, the entire democratic set up may crumble.

As a Socialist Democratic Republic the State has the responsibility to raise the standard of living of the masses, reduce the disparity between the classes and ensure equality of opportunity to all groups especially the weaker sections of the society. The process of

ensuring an equitable distribution among the public has flooded the Courts with cases. Consequently, the responsibility of the courts has increased both in volume and measure. We the members of the judicial fraternity has to meet this daunting challenge.

Therefore, we have to discuss matters of general interest and policy and decide here the ways and means for speedy disposal of year-old cases and sort out the administrative problems while dealing with judicial business.

In my casual visits to some of the stations I found that our judicial officers are discharging their duties under more trying circumstances in the sense that infrastructural facilities are considerably inferior to the ones which are available to the judicial officers of other States. Despite that, so far as my information goes, most of our judicial officers are discharging their duties to achieve the prescribed yardstick.

A cursory glance at the institution, disposal and pendency of civil and criminal cases in the subordinate courts of the State indicates that last year upto 31.12.2007 there were 1,81,721 civil cases pending in subordinate courts of the State. During the year 2008, 48870 number of civil cases were instituted and 42466 number of cases have been disposed of. So the total pendency of civil cases upto 31.12.2008 has become 1,88,125. Likewise till 31.12.2007 there were 8,34,805 criminal cases pending in the subordinate courts of the State. During the year 2008, 2,23,292 criminal cases were instituted and 2,00,009 criminal cases have been disposed of. So the total pendency of criminal cases in the subordinate courts of the State as on 31.12.2008 has become 8,58,088. The total pendency of civil and criminal cases in the subordinate courts of the State as on 31.12.2008 has become 10,46,213. Therefore, it is found that the judicial officers are trying to achieve the prescribed yardstick mostly by disposal of criminal cases giving secondary importance to civil cases. So many long pending civil cases, appeals more than 12 years are pending not only in subordinate judicial courts, but also in High Court. Therefore, we have to give a little more priority in disposing of the old cases.

In the Seminar organized by the National Judicial Academy in Cuttack I had the opportunity of addressing some of the Judicial officers who attended that Seminar about the norms and methods of writing judgments and how to dispose of cases as early as possible. For that the officers have to labour hard in reading and making note of upto date case laws and to decide the cases as per the case laws. Of course while dealing with original cases, a judicial officer has to take much pain in dealing with evidence of the witnesses and for that he must take the cooperation of the concerned lawyers.

During this period, I have received so many complaints against some judicial officers misbehaving the lawyers in court proceedings which will no doubt create hindrance in obtaining cooperation from the lawyers, but that does not mean that a judicial officer shall become prey to the needs of the lawyer always in order to get cooperation from him.

You are all aware that the High Court is the controlling authority of the subordinate judiciary in respect of financial grants and allotment of funds made in the budget and the High Court Registry is trying to get sufficient funds from the State Government and I hope, in spite of financial constraints of the State Government, the State Government is always cooperative in allotting funds to the judiciary and for that proper steps and persuasion with the Government officials becomes necessary.

During this period I have the opportunity of opening the Court of A.D.J. at Kuchinda in the district of Sambalpur, Two Fast Track Courts in the district of Khandmal, one Court of J.M.F.C. at Chandbali in the district of Bhadrak and there is a proposal to open four Courts of Senior Civil Judges at Kodala, Khallikote, Jaleswar and Umerkote, three Vigilance Courts at Kalahandi, Phulbani and Keonjhar and three Family Courts at Berhampur, Puri and Balasore and one court of J.M.F.C. at Bhuban in the district of Dhenkanal in a near future. Also there are so many proposals pending with the Government for opening of different Courts in the State and, I am told, the Government has assured to extend all possible help in this matter during the next coming budget.

We are now faced with the problem of lack of officers in the cadre of District Judge, Senior Civil Judge and Civil Judge. There are 48 vacancies in the cadre of Civil Judge and steps have already been taken for filling up those vacancies through the Orissa Public Service Commission. There are 21 vacancies in the cadre of District Judge including the new posts recently created by the Government and there are 19 vacancies in the cadre of Senior Civil Judge. I can assure you that all the vacancies are to be filled up as soon as possible, if we get the suitable candidates.

For speedy disposal of cases the Government has introduced E-court project and we have to take advantage of it. Under E- Court project all subordinate courts are to be computerized and linked with the High Court. For this purpose construction of computer rooms at 37 places are in progress. The Government has also sanctioned an amount of Rs.2,85,84,000/- for construction of new computer rooms at 71 places. In the mean time the E-Committee is taking steps for installation of hardware at the places where the construction of computer rooms have been completed.

The plea bargaining system of the court proceeding is another advantage for early disposal of cases. At the National Judicial Academy judicial dialogue at the National level and also State level are constantly going on with the purpose of improving the system and you must actively participate in the process. Video Conferencing is another step introduced by the Government and we have take recourse to the same system. For that the Government should extend all possible help.

In the last Conference of Chief Justices and Chief Ministers of the country it was decided to have evening courts which have already been functioning in the State of Gujarat and in our State we also want to introduce the same and for that the High Court has moved

the State Government for granting extra remuneration to the Judicial officers and the matter is pending with the Government and we are to pursue that matter so that the witnesses who are unable to attend the courts during day time can be able to appear in courts in evening.

No doubt, through Lok Adalats a considerable number of cases are being disposed of and I hope, with our persistent endeavor and ceaseless efforts in the coming years the figures of disposal will be much higher. But this would not be done without the active cooperation of the District Judges, the officers and the staff of the subordinate judiciary and the members of the bar.

Of course, it is very difficult to satisfy the people's expectation when they are virtually denied justice from almost every other source of power. So the expectation of the society from us is very high. This is one aspect of stark reality which we must keep in mind. Therefore, more responsibilities have to be shouldered by us. With greater responsibilities, comes greater restraint in the discharge of our functions. Unless we show the right degree of restraint in the discharge of our functions, possibly the system will not work effectively. So the system demands so much attention from each one of us and there should always be relentless effort on our part to improve it.

The revision of pay structure of Judicial Officers along with other fringe benefits in terms of Shetty Commission recommendation and the order of the Supreme Court is necessarily with a view to obtain more work from the Judicial Officers. Regarding this, I have discussed with the Hon'ble Chief Minister and perhaps due to some difficulty with the Government the same has not yet been fully implemented by the Government and I assure you that we will persistently pursue the matter with the Government.

Before I conclude, I must tell you that at times questions have been raised on the credibility and ability of Judiciary on account of some aberrations which are definitely not the produce of the system but are individual in nature and are isolated cases. No doubt, these are factors having tendency for bring bad name to the entire system. Each one of us should note that any aberration even by an individual reflects on the entire judiciary. There will be no place for any corrupt officer in the system and any aberration shall be strongly dealt with by the High Court. Each one of us should think of developing the system in which best of talent and most of character and integrity shall alone have the place.

The problems faced by justice delivery system are many, but definitely not insurmountable and therefore, I call upon all of you to rise to the occasion and dispel the misgivings raised at some quarters.

Therefore, this meeting has been called where you are free to express your views on the agenda items and we will have some meaningful interactions in order to improve the system and I am sure the deliberations that will take place in this meeting will definitely be very fruitful.

With these words, I inaugurate this Conference of the District Judges and Senior Civil Judges and declare it open.

MAJOR EVENTS

1. NJA, EAST ZONE JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ)

A Judicial Workshop on Planning and Management for Timely Justice (PMTJ) was organized at Cuttack in Hotel Dwarka by National Judicial Academy, Bhopal in association with Orissa High Court and Orissa Judicial Academy from 9-11 January, 2009.

The Workshop was inaugurated by His Excellency Shri Murlidhar C.Bhandare, Governor of Orissa on 9.1.2009. Hon'ble Dr. Justice B.S.Chauhan, Chief Justice, Orissa High Court delivered a key note address in the inaugural session. Shri Prafulla Chandra Ghadei, Hon'ble Minister of Finance, Shri Biswabhusan Harichandan, Hon'ble Minister of Law, Hon'ble Shri Justice I.M.Quddusi, Hon'ble Shri Justice P.K.Tripathy, Judges of Orissa High Court, Prof. Mohan Gopal, Director, National Judicial Academy, Bhopal presented their view points on the occasion.

During the three days workshop on Planning and Management for Timely Justice (PMTJ), it was discussed in great details on the following topics :

- (1) Analysis of the Challenge of Delay and arrears Reduction and Enhancing the Quality and Responsiveness of Justice.
- (2) Subordinate Courts in the 21st Century : Responding to a Rapidly Changing World.
- (3) Evaluating the Response to the Challenge of Timely Justice in Subordinate Courts :
- (4) Importance of Using Planning and Management Approaches by Public Organizations to Achieve Results.
- (5) Introduction to Planning and Management for Timely Justice :
 - (i) Fixing Court Performance Standards
 - (ii) Five Year Court Development Plans for Timely Justice.
 - (iii) Plans for Case Load Management; Daily Board Management ; and Individual Case Management
 - (iv) Information Management System for Administration of Justice (IMAJ)
- (6) Discuss the Proposed Template for Court Development Plans; and for case Load Management; Daily Board Management; Individual Case Management & IMAJ;
- (7) Strengthening the Quality of Adjudication Guided by the Vision of Justice of the Constitution of India;
- (8) Identifying Top 5 Strategies for Introducing Planning and Management System at the Court - Level

On the above discussions, Hon'ble Shri Justice S.B.Sinha, Judge, Supreme Court of India, Hon'ble Dr. Justice B.S.Chauhan, Chief Justice, Orissa High Court, Hon'ble Shri Justice M.Y.Eqbal, Judge, Jharkhand High Court, Hon'ble Shri Justice Amit Talukdar, Judge, Calcutta High Court, Hon'ble Shri Justice S.K.Sinha, Judge, Chhattisgarh High Court, Hon'ble Shri Justice Sanjeeb Banerjee, Judge, Calcutta High Court and Hon'ble Judges of Orissa High Court besides Judicial Officers (80 Judicial Officers from the Subordinate Judiciary) under the control of Orissa High Court, Calcutta High Court, Patna High Court, Chhattisgarh High Court, Jharkhand High Court and Gauhati High Court participated in the Workshop. Prof. Mohan Gopal, Director, N.J.A. conducted the Workshop.

The valedictory session of the workshop was held on 11.1.2009. In the valedictory session, Hon'ble Dr. Justice B.S.Chauhan, Chief Justice, Orissa High Court, Hon'ble Shri Justice I.M.Quddusi, Hon'ble Shri Justice P.K.Tripathy, Hon'ble Shri Justice B.P.Das, Judges of Orissa High Court, Hon'ble Shri Justice M.Y.Eqbal, Judge, Jharkhand High Court, Hon'ble Shri Justice Amit Talukdar, Judge, Calcutta High Court, Hon'ble Shri Justice S.K.Sinha, Judge, Chhattisgarh High Court, Hon'ble Shri Justice Sanjeeb Banerjee, Judge, Calcutta High Court and Prof. Mohan Gopal expressed their valuable thoughts. At last, the participants (Judicial Officers from the Subordinate Judiciary) were awarded with certificates.

2. Celebration of Republic Day on 26th January, 2009.

On the occasion of celebration of Republic Day in the High Court premises, Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Orissa High Court hoisted the National Flag on 26th January, 2009. Hon'ble Judges of the Court, officers and staff also graced the function.

3. Inauguration of Indoor Badminton Hall of Orissa High Court.

Indoor Badminton Hall of Orissa High Court was inaugurated by Hon'ble Shri Justice G.B. Patnaik, former Chief Justice of India on 26.1.2009 in presence of Hon'ble the Chief Justice and Hon'ble Judges of the Court.

4. Plantation in Orissa High Court premises.

Hon'ble Dr. Justice B.S. Chauhan, Chief Justice and Hon'ble Judges of Orissa High Court participated a programme for beautification of the Court surrounding by planting trees on 20.1.2009.

5. Observance of Martyr's Day in Orissa High Court.

On 30.1.2009 (Martyr's Day) at 11.00 A.M., silence for two minutes by standing was observed in Orissa High Court in the memory of those who sacrificed their lives in the struggle for India's Freedom.

6. Inauguration of Parking Area, Orissa High Court.

Parking Area in Orissa High Court was inaugurated by Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Orissa High Court on 18.2.2009. Hon'ble Judges of Orissa High Court graced the said occasion.

7. Installation of Digital Display Board in Orissa High Court.

Installation of Digital Display Board was inaugurated by Hon'ble the Chief Justice on 18.2.2009. The project was taken up and completed by Orissa Computer Application Centre (OCAC), the I.T. Directorate of Govt. of Orissa. By this System, the Case proceedings of all Courts are being display in the Display Board installed in front of each Court. Also 5 numbers of bigger size Display Board are installed in Bar Association Halls, Office of the Advocate General and in Court premises. In this bigger size Display Boards, the Court proceedings of all Courts are being displayed which helps the litigants and Advocates a lot.

8. Opening of the Fast Track Court at Phulbani and Laying of foundation Stone of Court Building at Daspalla

Opening of Fast Tract Court at Phulbani and Laying of foundation stone of Court Building at Daspalla was held on 1.3.2009 by Hon'ble Dr. Justice B.S. Chauhan, the Chief Justice of Orissa High Court. Hon'ble Shri Justice B.P. Das & Hon'ble Shri Justice B.N. Mahapatra, Judges of Orissa High Court also graced the said occasion.

9. Inauguration of the Executive Magistrate Court at Bhubaneswar.

Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Orissa High Court. inaugurated the Court building of Executive Magistrate at Bhubaneswar on 4.3.2009. Hon'ble Shri Justice I.M. Quddusi, Hon'ble Shri Justice I. Mahanty and Hon'ble Shri Justice B.P. Ray, Judges of Orissa High Court also graced the said occasion.

10. District Judges' Conference.

The District Judges' Conference, 2008 was held on 20.3.2009 and 21.3.2009 at Orissa High Court, Cuttack. Hon'ble Dr. Justice B.S. Chauhan, the Chief Justice, Orissa High Court presided over the Conference and Hon'ble Judges of the Court took part in the deliberation. The officers in the cadre of District Judge and Senior Civil Judge (Chief Judicial Magistrates) of the State attended the conference.

11. Inauguration of the Court of Civil Judge (Jr. Dvn.)-cum-J.M.F.C., Bhuban.

The Court of Civil Judge (Jr. Dvn.)-cum-Judicial Magistrate, First Class has been inaugurated at Bhuban in the district of Dhenkanal by Hon'ble Dr. Justice B.S.Chauhan, the Chief Justice of Orissa High Court on 29.3.2009 in presence of Hon'ble Shri Justice L.Mohapatra, Hon'ble Shri Justice B.N.Mahapatra and Hon'ble Shri Justice B.P.Ray, Judges of Orissa High Court.

The inaugural ceremony began with enchanting Veda Mantras. The Hon'ble Chief Justice delivered an eloquent speech and expressed His immense pleasure for opening of such Court at Bhuban. The Hon'ble Chief Justice has thrown light upon some of the important aspects of the implication of law, imparting justice to the poor people, implementation of Plea-Bargaining and the steps to be taken for establishment of sufficient number of Courts with infrastructure in order to reduce the cumulative pendency of the cases. It is also emphasized upon the reduction of long pending year old cases.

The Hon'ble Chief Justice has also highlighted upon the pivotal role and cooperation of the Advocates with the Bench for smooth functioning of the Courts.



Programmes attended by Hon'ble the Chief Justice &
Hon'ble Judges of Orissa High Court.

Sl. No.	Names of the Hon'ble Judges	Period	Topics
1.	Hon'ble Dr. Justice B.S.Chauhan, Chief Justice.	21.2.2009	Attend National Level Seminar at "NASC" Complex, Pusa, New Delhi
		22.2.2009	Attend "Judicial Colloquium on Right to Education" at New Delhi.
2.	Hon'ble Shri Justice I.M.Quddusi	28.3.2009 & 29.3.2009	Attend 7th All India Meet of State Legal Services Authorities at Bangalore.
3.	Hon'ble Shri Justice P.K.Tripathy	21.2.2009	Attend National Level Seminar at "NASC" Complex, Pusa, New Delhi.
4.	Hon'ble Shri Justice L.K.Mishra.	31.1.2009 & 1.2.2009	Attend the National Conference of High Court Justices on Globalization and the Law : Challenges for Courts at N.J.A., Bhopal.

ACTIVITIES OF ORISSA STATE LEGAL SERVICES AUTHORITY

The Orissa State Legal Services Authority in collaboration with Department of Panchayatiraj and Women & Child Development had organized **Seminar on “Implementation of National Rural Employment Guarantee Scheme & Maintenance and Welfare of Parents and Senior Citizens Act, 2007”** involving the Chairmen and Secretaries of District Legal Services Authorities, Chairmen, Taluk Legal Services Committees, District Collectors, Project Director, D.R.D.A. and Senior Citizens on 28.02.2009 at Biju Patnaik Film, & Television Institute, Cuttack. The seminar was inaugurated by Hon’ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, New Delhi as Chief Guest in presence of Hon’ble Dr. Justice B.S. Chauhan, the Chief Justice, Orissa High Court -cum-Patron-in-Chief, Orissa State Legal Services Authority, Hon’ble Mr. Justice I.M. Qudusi, Judge, Orissa High Court and Executive Chairman, Orissa State Legal Services Authority, Hon’ble Judges of Orissa High Court, Hon’ble Ministers, dignitaries, Judicial Officers and respected Senior Citizens of the State.

The welcome address of Hon’ble Mr. Justice I.M. Qudusi, Judge, Orissa High Court was followed by the Presidential address by Hon’ble Dr. Justice B.S. Chauhan, the Chief Justice, Orissa High Court & Patron-in-Chief, Orissa State Legal Services Authority. In the Presidential address, His Lordship emphasized the role of Legal Services Authorities in educating the masses about their rights under various Socio Welfare Legislations viz; NREGA, Senior Citizens law etc, so that the opportunities for security justice are not denied to the needy persons by reason of their economic or other disabilities.

Hon’ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India spoke on the role and the objectives of holding the seminar and highlighted the need of educating masses about their rights and duties as envisaged under NREGA and Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The Seminar was also attended by three Hon’ble Ministers of the State as Guest of Honour Sri Biswa Bhuban Harichandan, Hon’ble Minister, Law and Rural Development & Smt. Pramila Mallik, Hon’ble Minister Women and Child Development delivered special address whereas Sri Raghunath Mohanty, Hon’ble Minister, Panchayati Raj had delivered Key note address. Hon’ble Ministers spoke about the role of Legal Aid Institutions for rendering justice to the needy persons. Hon’ble Mr. Justice P.K. Tripathy, Judge, Orissa High Court and Chairman, High Court Legal Services Committee had extended vote of thanks.

At the end of the inaugural session, the State Legal Services Authority felicitated Senior Citizens having outstanding contributions in the field of social service. Hon’ble Dr. Justice Arijit Pasayat, Judge, Supreme Court India had felicitated Amiya Mohapatra, eminent Social Worker. Hon’ble Dr. Justice B.S. Chauhan, the Chief Justice, Orissa High Court felicitated Shakuntala Mohanty, Eminent Social Worker. Hon’ble Mr. Justice I.M. Qudusi felicitated Smt. Manorama Mohapatra, Lifetime Member, People of Servant’s Society and Hon’ble Mr. Justice P.K. Tripathy, Judge, Orissa High Court had felicitated Mr. Sarat Pujhari, noted Film Artist and Social Worker for their outstanding contribution in the field of the social service.

The Seminar had four sessions. The subject of discussion of the first sessions was “Scheme supporting the implementation of NREGS and Role of various Stakeholders”. This session was chaired by Hon’ble Mr. Justice P.K. Tripathy, Judge, Orissa High Court and the Speakers were Mr. G.M. Akbar Ali, Member Secretary, NALSA and Shri V.K. Pandiyan, IAS, Collector, Ganjam.

The subject of discussion of the second session was Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Object and National Over view). This session was chaired by Hon’ble Mr. Justice B.P. Das, Judge, Orissa High Court and Speakers were Smt. Usha Padhee, IAS, Director, Social Welfare Department and Prof. S. Shivkumar, Programme Advisor, NALSA.

The subject of discussion of the third session was “Welfare obligations of the State under the Maintenance and Welfare of Parents and Senior Citizens Act”. This session was chaired by Hon’ble Mr. Justice L. Mohapatra, Judge, Orissa High Court and the Speakers were Mr. Sudhir Ku. Behera, Secretary, Madat and Ms. Manorama Mohapatra, Life Time Member, Servant of People’s Society.

The subject of discussion of fourth session was "National Rural Employment Guarantee Scheme". This session was chaired by Hon'ble Mr. Justice I.M. Qudusi, Judge, Orissa High Court & Executive Chairman, Orissa State Legal Services Authority and the Speakers were Sri R.N. Dash, IAS, Secretary, Panchayati Raj Department and Sri R.K. Sinha, National Level Monitor, NREGA.

Hon'ble Dr. Justice Arijit Pasayat, Executive Chairman, National Legal Services Authority had given concluding remarks on the Seminar. His Lordship had felicitated Shri R.N. Das, IAS, Secretary, Panchayati Raj Department and Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Orissa High Court felicitated Shri V.K. Pandiyan, IAS, Collector, Ganjam for their outstanding achievement in the field of NREGS.

A free **Health Camp** for the Senior Citizens in Killa Maiden, Cuttack was inaugurated by Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, New Delhi on the same day at 9 A.M. to commemorate the occasion.

On 01.03.2009, an **Awareness Programme on "Mediation"** was organized by the Orissa State Legal Services Authority in the Court Hall of District & Sessions Judge, Khurda (**Bhubaneswar**) under the aegis of Supreme Court Mediation & Conciliation Project Committee, New Delhi. The above programme was inaugurated by Hon'ble Mr. Justice I.M. Qudusi, Judge, Orissa High Court and Executive Chairman, Orissa State Legal Services Authority. Two Master Trainers namely Mr. Sanjay Kumar and Mrs. Adity Choudhury, Delhi Mediation Centre had imparted training to the Judicial Officers and the Advocates of Bhubaneswar and Khurda, to make aware them about the skills of Mediation, so that they can utilize those skills for disposal of pending cases through mediation.

Similarly, another **Awareness Programme on "Mediation"** was also organized by the Orissa State Legal Services Authority at Orissa School of Mining Engineering Auditorium, **Keonjhar** on 7.3.2009 being inaugurated by Hon'ble Mr. Justice I.M. Qudusi, Judge, Orissa High Court and Executive Chairman, Orissa State Legal Services Authority, Two Master Trainers namely Ms. G. Sessedevi and Mr. M. Govindarajan from Tamilnadu Mediation & Conciliation Centre had imparted the training to the Judicial Officers and the Advocates Keonjhar, Champua and Anandapur on the tools and techniques of Mediation.

As per the instruction of National Legal Services Authority, the Orissa State Legal Services Authority observed **National Legal Aid Week for Women from 8th to 14th March, 2008** to commemorate **International Women's Day**. The State Authority organized functions during this week in association with Taluk Legal Services Committee, Anandapur in the district of Keonjhar and another with NGO Swayamshree at Cuttack on 8.3.2009 and at Kendrapara on 13.3.2009 in association with Jyotirmayee Mahila Samiti. Prof. Mrs. Manjushree Patnaik, Lecturer in English, Netaji Subash Bose Memorial College, Cuttack, Mrs. (Dr.) Aparna Mohanty, Lecturer in Oriya, Kendrapara College, Dr. Bijoyani Patnaik, Prof. Community Medicine, S.C.B. Medical College, Cuttack, Ms. Lalitanjali Das, Secretary, Jyotirmayee Mahila Samiti and Mr. S. Mohanty, Orissa State Legal Services Authority had addressed the gathering of five hundred women who had come to the function from interior villages. Prizes were distributed to the School students who had participated in debate and painting Competition. The topic of Debate Competition was "**MAHILA SASAKTI KARANA -AJIRA ABASYAKATA**" and the theme of the painting competition was "**BIBHINNA BHUMIKARE A DESARA NARI**". The Artists of Indian Social Welfare Organization had performed drama on the theme of **Domestic Violence Act**. Further all the District Legal Services Authorities and the Taluk Legal Services Committees of the State observed National Legal Aid Week for Women from 8-14th March, 2009 in their respective jurisdiction.

During the period under report, the State Level Lok Adalat were held at Keonjhar and Sambalpur on 1.2.2009 and 7.2.2009 respectively in which 118 nos of MAC cases have been settled/disposed of and a sum of Rs1,18,21,000/- has been awarded as Compensation. Similarly, 159 numbers of District and Taluk Level Lok Adalats and 205 numbers of Legal Literacy Camps/ Micro Legal Literacy Camps have been organized in the State of Orissa. In the District and Taluk Level Lok Adalats, 22,646 nos. of cases have been disposed of in total, which include Civil-146, Criminal-8359, Revenue-12868, Bank-1216, Labour-55 and Matrimonial-02. Criminal fine of Rs.27,54,461/- and Revenue fine of Rs.53,62,061/- have been realized in the above District and Taluk level Lok Adalats. The benefits of the Scheme of Legal Aid and Assistance have been extended to 556 numbers of persons, which include, SC.-42, ST-35, OBC-14, Women-253, In-custody-73 and other weaker sections of the society-139.

ACTIVITIES OF HIGH COURT LEGAL SERVICES COMMITTEE

1. The 23rd Permanent & Continuous Lok Adalat for High Court Cases during the month of March, 2009 was held on 28.3.2009 in which Hon'ble Shri Justice L.Mohapatra and Hon'ble Shri Justice M.M.Das presided over the Lok Adalat Benches.

In the said Lok Adalat, 3 M.A.C. Appeals, 7 other cases and 9 Bank Appeals were taken up for compromise between the parties, out of which 3 M.A.C. Appeals were disposed of. The General Insurance Companies, National & Oriental Insurance Companies present in the Lok Adalat agreed to pay compensation of Rs. 7,59,776/- to the claimants in MAC Appeals.
2. During the period under report, 84 applicants have been provided with the benefit under the scheme of Legal Aid and Advice by the High Court Legal Services Committee to file or defend their cases in the High Court. Similarly, 45 Legal Aid Counsels have been paid their honorarium dues during the months from January to March, 2009.
3. On being invited by the Hon'ble Dr. Justice Arijit Pasayat, Executive Chairman, National Legal Services Authority, Hon'ble Shri Justice P.K.Tripathy, Chairman, High Court Legal Services Committee and Shri Devaraj Rout, Registrar (Judicial) of the Court have attended the Seminar on "Maintenance & Welfare of Parents and Senior Citizens Act, 2007" at New Delhi on 21.2.2009.

ACTIVITIES OF ORISSA JUDICIAL ACADEMY

During the period, following training programmes are organized in Orissa Judicial Academy imparting training on the topics as hereunder.

Sl. No.	Duration of the Programme	Course contents of the Training	Cadre of Officers participating	No. of Officers participated.	Remarks
1.	12.01.2009 to 10.3.2009	First Foundation Course	Civil Judges on Probation (Newly recruited Judicial Officers)	29	Civil Judges = 29
2.	14.3.2009 & 15.3.2009	Environmental Law	S.D.J.Ms. & Magistrates	22	S.D.J.M. = 11 Magistrates = 11



Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Hon'ble Shri Justice B.P. Das & Hon'ble Shri Justice B. N. Mahapatra, Judges of Orissa High Court attending the Foundation Stone Laying Ceremony of Daspalla Court Building on 1.3.2009.



Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Hon'ble Shri Justice B.P. Das & Hon'ble Shri Justice B. N. Mahapatra, Judges of Orissa High Court attending the Inauguration of Fast Track Court at Phulbani on 1.3.2009



Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Hon'ble Shri Justice L. Mohapatra, Judge, Orissa High Court attending the Inauguration of Court of Civil Judge (J.D.)-cum-J.M.F.C., Bhuban on 29.3.2009



Hon'ble Dr. Justice B.S. Chauhan, Chief Justice, Orissa High Court addressing on the occasion of Inauguration of Court Building of the Executive Magistrate at Bhubaneswar on 4.3.2009