

IN THE HIGH COURT OF ORISSA AT CUTTACK

O.J.C. No.7648 of 2000

State of Orissa

.... ***Petitioner***
Mr. P.K. Muduli, A.G.A.

-versus-

Dr. K. Nana Buchi

.... ***Opposite Party***
None

**CORAM:
THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA**

ORDER
25.01.2022

Order No.

4. 1. This matter is taken up by video conferencing mode.
2. Although notice was issued in the present petition filed by the State Government against an order dated 21st April 1999 of the Orissa Administrative Tribunal, Bhubaneswar (OAT) in O.A. No.734 of 1989 on 3rd December 2004, no stay was granted in the said order till date. In fact, the petition was thereafter listed only twice.
3. In terms of the impugned order, the OAT had directed that the State Government should count the entire service rendered by the Opposite Party in non-government aided college prior to takeover of the said college by the Government for the purpose of eligibility for promotion to the post of Reader. The operative portion of the impugned order is that the past service of the Opposite Party from 23rd November 1972 to 17th July 1982 rendered in the non-government aided college should be counted for the purposes of promotion to the post of Reader. With there being no interim stay

of the said corrections, it ought to have been implemented by now by the State Government.

4. Giving the limited nature of the direction, the fact that there being no interim stay and that the said order has remained in force for over two decades, this Court is not inclined to interfere with it at this stage. However, the question of law arising from the impugned order is kept open for decision in some other appropriate case.

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

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7th January, 2022.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

S.K. Guin