

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4609 of 2003

Union of India & Ors.

.....

Petitioners

Mr. B. Dash, CGC

Vs.

Surendranath Jena

.....

Opposite party

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

22.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. The Union of India and its functionaries have filed this writ petition challenging the order dated 04.12.2002 passed in O.A. No. 369 of 1999 vide Annexure-1, whereby the Central Administrative Tribunal, Cuttack Bench, Cuttack has directed the petitioners to provide employment to the opposite party in the category of Mail Carrier etc. in relaxation of educational qualification and while doing so, the petitioners may stipulate a period of $\frac{3}{4}$ years, by which time the opposite party may acquire the minimum educational qualification. The tribunal, while setting aside the order of rejection dated 24.05.1999, so far it relates to the present opposite party, directed the petitioners to provide an employment the opposite party on compassionate ground.

3. Though the aforesaid order was passed by the

tribunal in the year 2002 and this Court passed an interim order on 06.01.2005, i.e., after 3 years of the order impugned, in view of the direction of the apex Court contained vide order dated 02.07.2021 in M.A. Nos.1375-1376 of 2013 in ***Resurfacing of Road Agency Pvt. Ltd. and Anr v. Central Bureau of Investigation***, the interim order passed earlier automatically expires after expiry of six months. As such, Mr. B. Dash, learned Central Government Counsel contended that he has no instructions in the matter at this moment. Therefore, the writ petition may be disposed of granting liberty to the petitioners to approach the appropriate forum, if any cause of action still survives.

4. With liberty aforesaid, the writ petition stands disposed of.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE