

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No. 896 of 2000

Divisional Forest Officer, Bamra

.....

Petitioner

Mr. H.M. Dhal, Adv.

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

22.07.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. The Petitioner has filed this Writ Petition seeking to quash the Order dated 25.10.1999 passed in O.A. No. 70(S) of 1999, by which the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar, has allowed the Original Application filed by the Opposite Party No.4 herein and directed the Opposite Party No.4 therein to pay salary to the applicant for the intervening period from 01.07.1998 to 12.02.1999 (both days inclusive), within a period of one month

3. Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-Opposite Parties contended that since there is dispute with regard to the date of birth of the application, the Tribunal would not have passed the order in question.

4. Having heard learned Addl. Standing Counsel appearing for the State-Opposite Parties and after going through the records, since question of date of birth is under dispute, it is open to the parties to approach the appropriate Civil Court for declaration of date of birth, in view of the judgments of the apex Court in the cases of *Karnataka Rural Infrastructure Development Ltd. v. T.P. Nataraja and others*, 2021 SCC Online SC 767; *Bharat*

Coking Coal Limited and others v. Shyam Kishore Singh, (2020) 3 SCC 411; *Jigyada Yadav (Minor) (through Guardian/Father Hari Singh) v. Central Board of Secondary Education and others*, (2021) 7 SCC 535 and Order dated 20.04.2022 passed by this Court in *State of Odisha v. Gandharba Kandi* (W.P.(C) No. 1948 of 2014 disposed of on 20.04.2022). More so, the M.P. No. 41 (S) of 1999, having been disposed of by the Tribunal, this Court is not inclined to entertain this Writ Petition.

5. Accordingly, the Writ Petition stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Ashok/Ananta

