

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6817 of 2012

State of Odisha

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Petitioner

*Mr.J.P.Pattnayak,
Govt. Advocate*

Vs.

*Deepak Kumar Sahu and
another*

.....

Opposite Parties

*Ms. Mamata Mishra,
Advocate
(for O.P.No.1)*

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

25.03.2022

Order No.

19.

This matter is taken up through hybrid mode.

2. Heard Mr. J.P.Pattnayak, learned Government Advocate for the State-petitioner and Ms. Mamata Mishra, learned counsel for opp. party No.1.

3. In this writ petition, the petitioner has challenged the order dated 30.11.2021 passed in O.A. No.456 of 2008, by which the Odisha Administrative Tribunal, Bhubaneswar held that the opp. party No.1 having been appointed through due process of selection and having been in service for last eight years cannot be removed from service because of error committed by the sponsoring and appointing authority and therefore quashed the order under Annexures-15 and 18 to the Original Application and directed that opp. party No.1 shall be allowed to continue as a Junior Stenographer as before with continued service benefits, and as such, the Tribunal has passed no order with regard to proforma

opposite party No.5 for which the petitioner-State will be free to act in accordance with law.

4. This Court, vide order dated 15.5.2015 in Misc. Case No.5970 of 2012, passed an order to the effect that the impugned order dated 30.11.2021 passed by the Orissa Administrative Tribunal in O.A. No.456 of 2008 shall be implemented, and the same shall be subject to the result of the writ petition. As such, Mr. J.P. Pattnayak, learned Government Advocate produces the letter dated 22.06.2015 addressed to the Commissioner-cum-Secretary to Government of Odisha, Fisheries & ARD Department by the Directorate of Fisheries, Odisha, wherein it has been mentioned that by virtue of the order passed by this Court, the name of opposite party no.1 may be re-instated in government service in the post of Junior Stenographer from 19.05.2015 against the vacant post available and necessary directions may be issued to the Director of Fisheries, Odisha to this effect for implementation of the order of Hon'ble High Court.

5. Since opposite party no.1 has already reinstated in service and in the meantime he is continuing fifteen years of service, this Court is not inclined to interfere with the order passed by the Tribunal in O.A. No.456 of 2008.

6. Accordingly, the writ petition merits no consideration and dismissed as such.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE

