

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13262 of 2014

Narayan Mahali

.....

Petitioner

Mr. B.R. Barick, Advocate

Vs.

State of Odisha and Ors.

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

21.04.2022

Order No.

11.

This matter is taken up through hybrid mode.

2. Heard Mr. B.R. Barick, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition assailing the order dated 03.06.2014 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 2787 (C) of 2011 wherein direction was given to opposite party no.4-Collector, Cuttack to prepare the gradation list in the cadre of Senior Clerk on the basis of “catch up” principle taking into account their position in the select list in initial grade of Junior Clerks.

4. Mr. B.R. Barick, learned counsel for the petitioner contended that since the gradation list had not been prepared in consonance with the catch up principle and without considering the same, the tribunal has passed the order impugned, therefore, the petitioner has approached this Court by filing this writ petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate

for the State contended that in the meantime on the basis of direction given by the tribunal the gradation list was revised on the basis of “catch up” principle, D.P.C. was held and promotion was also given. Earlier this Court had granted interim order on 20.08.2014, but the same was vacated vide order dated 02.08.2016 keeping in view the fact that the order of the tribunal had already been implemented.

7. Having heard learned counsel for the parties and after going through the record, it appears that the tribunal had issued the following direction:-

“In view of the above, respondent no.2/Collector, Cuttack is directed to take immediate steps for preparation of gradation list of the applicant along with the Private respondent nos.4 to 7 in the cadre of Senior Clerk following the “catch up” principle as has been decided by the Hon’ble Court as quoted above, taking into account their position in the select list in the initial grade of Junior Clerks. And only after recasting gradation list of both general and reserved category candidates in the rank of Senior Clerks, consider the case of the applicant along with other general candidates for their promotion to the post of head Clerk from the date reserved category candidates got such promotion, on the basis of their position in the recast gradation list following the “catch up” principle i.e. after the first promotion was effected in the rank of Senior Clerk.”

8. Challenging the said order, out of four private opposite parties, one has filed this writ petition, however others have not challenged the said order before this Court. More so, while entertaining this writ petition, this Court passed an interim order on 20.08.2014 in Misc. Case No. 11907 of 2014 staying the operation of the order dated 03.06.2014 till 31.10.2014. Though such order was extended thereafter, but subsequently, in compliance of the direction of the tribunal, since the gradation list was revised, the D.P.C. was held and promotion was also given, this Court vacated the interim vide order dated 02.08.2016.

9. In view of the above, nothing more remains to be adjudicated at this stage. Accordingly the writ petition stands disposed of.

10. Issue urgent certified copy as per rule.

(DR. B.R. SARANGI)
JUDGE

Arun/Puspa

(SAVITRI RATHO)
JUDGE

