

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24238 of 2013

<i>Union of India & Ors.</i>		<i>Petitioners</i>
		<i>Mr. Gyanaloka Mohanty, CGC</i>
	Vs.	
<i>Dillip Kumar Mohanty</i>		<i>Opposite party</i>

CORAM:

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

**ORDER
22.03.2022**

Order No.
03

This matter is taken up through hybrid mode.

2. Heard Mr. Gyanaloka Mohanty, learned Central Government Counsel on behalf of the petitioners.

3. The petitioners-Union of India have filed this writ petition seeking to quash the order dated 15.07.2013 passed in O.A. Nos. 636 of 2010 under Annexure-5, by which by the Central Administrative Tribunal, Cuttack Bench, Cuttack has quashed the order of rejection of representation of the opposite party and directed the petitioners to consider/re-consider the case of the opposite party afresh keeping in mind the orders of the High Court, referred to therein, and communicate the decision in a well-reasoned order to the opposite party within a period of 90 days.

4. Mr. Gyanaloka Mohanty, learned Central Government Counsel appearing on behalf of the petitioners contended that the judgment passed by this Court, which has been relied upon by the tribunal while passing the order impugned, is not applicable to the present case. Therefore, the petitioners have

approached this Court by filing the present writ petition.

5. Having heard Mr. G. Mohanty, learned Central Government Counsel for the petitioners and after going through the records, this Court finds that this writ petition was filed on 29.10.2013 challenging the order passed by the Tribunal and, as such, the defects pointed out by the S.R. were directed to be removed, vide order dated 03.04.2015, within two weeks, on which date none had appeared on behalf of the petitioners. Thereafter, the matter is listed today for admission and, as such, till date defect pointed out by the S.R. has not been removed. But as it reveals from the order impugned, the tribunal has only directed the petitioners to consider/reconsider the case of the opposite party afresh keeping in mind the orders of the High Court, referred to therein. Therefore, when such a direction has been given by the tribunal, the finality has to be reached by the authority, which has not yet done. In such view of the matter, this Court is not inclined to entertain this writ petition. However, it is open to the petitioners to take a decision, in pursuance of the order impugned passed by the tribunal, in accordance with law.

6. With the above observation, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE

