

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos.22148 and 2421 of 2012

W.P.(C) No.22148 of 2012

Madhusudan Pani and another ***Petitioners***
Ms. S.B.K. Pattnaik, Advocate
-versus-

State of Odisha and others ***Opp. Parties***
Mr. P.K. Muduli, AGA
Mr. P.R. Chhatoi, Advocate for OP Nos.4 to 6

W.P.(C) No. 2421 of 2012

State of Odisha and others ***Petitioners***
Mr. P.K. Muduli, AGA
-versus-

Sri Duryodhan Behera and others ***Opp. Parties***
Mr. P.R. Chhatoi, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK

ORDER
27.07.2022

Order No.

06. 1. Both these writ petitions assail an order dated 20th June, 2011 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.2787 (C) of 2007 while the State has filed W.P.(C) No.2421 of 2012. The affected private parties, who were not impleaded in the said OA, have filed W.P.(C) No.22148 of 2012.
2. While issuing notice in W.P.(C) No.2421 of 2012, this Court by the order dated 21st November 2012, stayed the impugned order of the OAT. In that view of the matter, no separate interim

order was passed in the companion W.P.(C) No.22148 of 2012 while issuing notice therein on 12th March, 2014.

3. Learned counsel appearing for the original applicants before the OAT, who have been impleaded in the present writ petitions as opposite parties is unable to dispute the fact that the Petitioners in W.P.(C) No.22148 of 2012, who are the real affected parties were not impleaded in the OA before the OAT. He however sought to urge that the prayer in the aforementioned OA No.2787 (C) of 2007 is limited to the context of the conduct of DPC proceedings. Be that as it may no decision in those proceedings concerning the consequential promotion given to the Petitioners in W.P.(C) No.22148 of 2012 could have been passed by the OAT without first impleading the said private parties as party Respondent/Opposite Parties to the OA. In other words, no order could have been passed in the said OA without hearing the Petitioners in W.P.(C) No.22148 of 2012.

4. On this short ground, the impugned order dated 20th June, 2011 of the OAT in O.A. No.2787 (C) of 2007 is hereby set aside.

5. With the abolition of OAT, OA No.2787(C) of 2007 will now be registered as writ petition in this Court and be listed before the Roster Bench for hearing on 1st November, 2022. In the said petition, the Petitioners in W.P.(C) No.22148 of 2012 will stand impleaded as Opposite Parties. The amended memo of parties be filed in the said petition within four weeks. The Petitioners in W.P.(C) No.22148 of 2012 should file their replies in the said

6. Both the writ petitions are disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

KC Bisoi