

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 381 of 2018

<i>State of Orissa and another</i>		<i>Petitioner</i> <i>Mr. A.K. Mishra, AGA</i>
	Vs.	
<i>Rama Chandra Gouda and another</i>		<i>Opposite Parties</i> <i>Mr. B.K. Ray, Adv. on behalf of Mr. S.R. Mohapatra, Adv.[O.P.No.1]</i>

CORAM:

**DR. JUSTICE B.R. SARANGI
MR. JUSTICE S.K. MISHRA**

ORDER

27.07.2022

Order No.
05.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Addl. Government Advocate appearing for the Petitioners and Mr. B.K. Ray, learned Counsel appearing on behalf of Mr. S.R. Mohapatra, learned Counsel appearing for Opposite Party No.1.

3. The State-Petitioners have filed this Writ Petition seeking to quash the Order dated 14.03.2017 passed in O.A. No. 1465 of 2016, by which the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar disposed of Original Application filed by the Opposite Party No.1 by observing that the promotion given to the Opposite Party No.1 will only be ad hoc and subject to the final result of the disciplinary proceeding and the vigilance case, and the Authorities are at liberty to pass appropriate order as per rules after conclusion of the Vigilance/Departmental proceeding.

4. Mr. B.K. Ray, learned Counsel appearing on behalf of Mr. S.R. Mohapatra, learned Counsel for the Petitioner contended that both the Vigilance case as well as Departmental proceeding are pending and, as such, in the meantime, Opposite Party No.1 has superannuated from service on attaining the age of superannuation. More so, the Opposite Party No.1 has already been given promotional benefit, in view of the Order passed by the Tribunal.

5. In the above view of the matter, since the Authorities have already given promotional benefits to the Opposite Party No.1 on ad hoc basis and subject to the final result of Disciplinary Proceeding as well as Vigilance Proceeding, this Court is not inclined to interfere with the observation made by the Tribunal at this stage.

6. Accordingly, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok/Padma

(S.K. MISHRA)
JUDGE

