

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9541 of 2016

***Lalit Mohan Srichandan and
another***

.....

Petitioners

Ms. Subhra Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.N. Nayak, ASC &

Mr. M. Mohanty, Advocate (O.P.9 &12)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

26.07.2022

Order No.
07.

This matter is taken up through hybrid mode.

2. Heard Ms. Subhra Mohapatra, learned Counsel for the Petitioners, Mr. S.N. Nayak, learned Additional Standing Counsel for the State and Mr. M. Mohanty, learned Counsel for Opposite Party Nos. 9 and 12.

3. The Petitioners, who were the interveners before the State Administrative Tribunal, Bhubaneswar have filed this Writ Petition seeking to quash the order dated 27.01.2016 passed by the Tribunal in O.A. No. 2310 of 2014, by which the Tribunal quashed the Office Order dated 15.09.2014, since the same was not the policy decision of the Government and observed that the State may take any policy decision in the interest of State for change of cadre, but following the provision made under the Government of Odisha Rules of Business.

4. Ms. Mohapatra, learned Counsel appearing for the Petitioner contended that quashing of such Office Order dated 15.09.2014 on

the ground that it has not been adhered to the provisions contended under the Government of Odisha Rules of Business cannot sustain and liable to be quashed.

5. Mr. S.N. Nayak, learned Additional Standing Counsel contended that in the meantime the Petitioner No.1 has already retired and other Petitioner is at verge of retirement. Therefore, if any step will be taken in the meantime, that will itself academic exercise and there is no meaning to interfere with the order passed by the Tribunal as the Office Order passed by the Government has already been quashed by the Tribunal vide impugned order.

6. Mr. M. Mohanty, learned Counsel appearing for the Opposite Parties 9 and 12, who were also the applicants before the Tribunal, justified the order passed by the Tribunal and contended that since the Office Order was passed without any procedure of law and consequence thereof, the order cannot sustain. The Tribunal is well justified by passing the order impugned, which should not be interfered with by this Court.

7. Having heard learned Counsel for the Parties and after going through the records, since Petitioner No.1 has already retired in the meantime and Petitioner No.2 is going to retire very shortly, the adjudication as to whether the Tribunal is justified by quashing the office order dated 15.09.2014 will not in any way beneficial to the Petitioners. Be that as it may, the Tribunal while quashing the Office Order had made an observation that the State may take any policy decision in the interest of State for change of cadre, but following the provisions made under the Government of Odisha Rules of Business. If the same has not been complied with and the Tribunal passed the

order impugned, this Court does not find any error apparent on the face of it so as to call for interference.

8. In view of the above, the Writ Petition merits no consideration and the same stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun

