

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6828 of 2011

Ajit Kumar Mohanty

.....

Petitioner

Mr. B. Mohanty, Adv.

Vs.

*Principal Chief Conservator of
Forest and others*

.....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

11.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. B.P. Tripathy, learned Addl. Government Advocate.
4. Perused the record. The petitioner has filed this writ petition seeking to quash the order dated 11.02.2011 passed by the Orissa Administrative Tribunal, Bhubaneswar in M.P. (I.P.) 527/10 arising out of O.A. No.1421 of 2008 under Annexure-1, and to issue direction to opposite party no.1 to sanction and pay the legitimate dues of the petitioner within a stipulated time by dropping the pending proceedings.
5. Mr. B.P. Tripathy, learned Addl. Government Advocate, relying upon the compliance affidavit filed by opposite party no.1, contended that whatever financial benefits claimed by the petitioner, was paid to him. But in a pending departmental proceeding dated 19.09.1994, the Government in Forest and Environment Department issued final order, vide office order dated 04.07.2013, imposing penalty of withholding of two of his annual increments with cumulative effect. It is further contended

that O.A. No. 1933 of 2013 had preferred by the petitioner before the Orissa Administrative Tribunal, Bhubaneswar challenging the aforesaid punishment order and the tribunal, vide order dated 21.08.2013, directed the opposite parties to file counter affidavit and as an interim measure directed that operation of above punishment order shall be stayed till filing of counter affidavit. The tribunal also directed the opposite parties to produce the relevant proceedings file, in which day to day record of enquiry has been maintained, for perusal, along with the counter affidavit.

6. In such view of the matter, this Court is considered view that since the benefits, which were claimed, have already been extended to the petitioner, as has been elaborately discussed in paragraphs-4 and 5 of the compliance affidavit, no further order is required to be passed in this writ petition. As such, the petitioner has already challenged the punishment order by filing original application and, therefore, the petitioner may pursue his remedy in the said application.

7. The writ petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE