

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24662 of 2012

Chandramani Mishra

.....

Petitioner

Mr. U.K.Samal, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. B.P.Tripathy, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

09.03.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. Heard Mr. U.K.Samal, learned counsel for the petitioner and Mr.B.P.Tripathy, learned Addl. Government Advocate.

3. In this writ petition, the petitioner assails the order dated 28.09.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in P.No.127 (C) of 2012 by which the tribunal has passed the order that the applicant had been promoted to the rank of Senior Clerk in the year 2003 and he had forgone the promotion at that point of time and chose continue as Junior Clerk in the R.T.O. Office, Sundargarh, no order has been issued to promote him to the post of Senior Clerk, when his junior Sri Sanjeeb Kumar Panigrahi got such promotion and as such dismissed the application filed by the petitioner.

4. Mr. Samal, learned counsel for the petitioner fairly states that he does not want to press this observation made by the Tribunal vide order dated 28.09.2012 under Annexure-6 but at the same time, the petitioner contended that in paragraph-19 of the

counter affidavit filed by the opp.party No.2, it has been averred that the petitioner's case for promotion has been ignored, rather his case has been considered by the D.P.C. but due to the pendency of the vigilance case, the result of the D.P.C. in response to the petitioner has been kept in sealed cover and that in the meantime vigilance case has been concluded vide judgment dated 28.01.2022 in C.T.R. Case No.13/107 of 2010-16 passed by the learned Addl. District and Sessions Judge-cum-Special Judge (Vigilance), Sundargarh.

5. In view of such position, the petitioner confines his prayer only to open the sealed cover which the D.P.C. has kept with regard to his promotion.

6. Mr. B.P.Tripathy, learned Addl. Government Advocate states that since the prayer of the petitioner is confined only to open the sealed cover, the opp. parties have no objection as the vigilance case has already been over in the meantime.

7. Having heard learned counsel for the parties and after going through the record and without expressing any opinion on the merits of the case since the promotion of petitioner has been considered by the D.P.C., but due to pendency of vigilance case, the result of the D.P.C. has been kept in the sealed cover and in the meantime, vigilance case has already been over, it is directed that the opp. parties shall open the sealed cover which the D.P.C. has kept with regard to his promotion so that the result of promotion of petitioner by D.P.C. shall be declared. The entire exercise shall be completed by the opp. parties within a period of two months from the date of production of the certified copy of

this order.

8. With the aforesaid observation and direction, the writ petition is disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi

