

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 28791 of 2011

Rabindranath Pradhan

.....

Petitioner

*Mr. B. Routray, Sr. Adv. along with
Mr. S.D. Routray, Adv.*

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. P.K. Mohapatra, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

6.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition assailing the order dated 24.02.2011 passed by the Orissa Administrative Tribunal in O.A. No. 500 of 2009 under Annexure-13, by which the tribunal, by holding that having created the posts of specialists, promoting a few AMO's to the said posts, making the specialists eligible for the post of Deputy Director (IM) and after bringing out a gradation list as per criteria, the opposite parties can hardly take a view not to consider the case of specialists for up-gradation, directed the opposite parties to examine the issue at the earliest and pass appropriate order to address the grievance of the petitioner.

3. Mr. B. Routray, learned Senior Counsel appearing along with Mr. S.D. Routray, learned counsel for the petitioner contended that the petitioner, being a specialist in Panchakarma at Government Ayurvedic Hospital, Bhubaneswar, approached the tribunal seeking direction for up-gradation of the post of specialist in the rank of Jr. Class-I and to give him consequential benefits of promotion to the post of Deputy Director in the rank of Senior Class-I, Group-A and to declare the action of opposite party no.1, deferring the proposal for up-gradation of

the post of specialist, as invalid in the eye of law.

4. Mr. A.K. Mishra, learned Addl. Government Advocate contended that the tribunal, having passed a reasoned order, after giving due opportunity of hearing to the parties, this Court should not interfere with the same at this stage.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that the tribunal has examined the case in all respect and come to a definite finding to consider the case of the petitioner making the specialists eligible for the post of Deputy Director (IM) and after bringing out a gradation list as per criteria (Annexure-5 of the original application), the opposite parties hardly take a view not to consider the case of specialist for up-gradation.

6. In such view of the matter, since the tribunal has already directed to consider the case of the petitioner, this Court is not inclined to interfere with the same and, as such, the order passed by the tribunal is affirmed. Needless to say, in the meantime, the petitioner has already retired on attaining the age of superannuation. Thereby, the direction given by the tribunal shall be complied with within a period of four months from the date of production of certified copy of this order.

7. With the aforesaid direction, the writ petition stands disposed of.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE