

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 12836 of 2017

State of Odisha & Anr.

.....

Petitioners

Mr. A.K. Mishra, AGA

Vs.

Debaraj Jally and Anr.

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

05.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Additional Government Advocate for the State-petitioners.

3. Having heard learned counsel for the parties and after going through the records, this Court finds that by order dated 29.11.2016 passed in O.A. No. 1974 of 2014 vide Annexure-5, the Odisha Administrative Tribunal, Bhubaneswar, taking into consideration the ratio decided by the apex Court the case of *State of Punjab and Others vrs. Chamanlal Goyal* reported in (1995) 2 SCC 570, has directed the State-authorities to open the sealed cover in respect of the promotion of the opposite parties to the rank of OFS (Superior Administrative Grade), within a period of two months from the date of receipt of a copy of the order and to give effect to the recommendation of the DPC dated 18.08.2012 within the same period. The tribunal has also directed to give promotional benefit to the opposite parties with effect from the date from which their immediate junior was given such promotion, if the opposite parties are found suitable for such promotion after opening the sealed cover. It was also made clear that the promotion given to the opposite parties shall only be ad hoc subject to the final result of the case. As the order was passed on in 29.11.2016 by the tribunal, and the

State has filed this writ petition on 29.06.2017 and, as such, thereafter the matter was not listed for admission and, in the meantime, more than five years have elapsed and no interim order was passed in this case, this Court is not inclined to entertain this writ petition, as the order of the tribunal has already been given effect to in the meantime.

4. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE

