

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3826 of 2019

State of Odisha and others

.....

Petitioners

Mr. S. Jena, SC, S&ME Deptt.

Vs.

Nibedita Das and others

.....

Opposite Parties

Mr. L. Mohanty, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.11.2022

Order No.
05.

This matter is taken up through hybrid mode.

2. The State-petitioners have filed this writ petition challenging the order dated 04.01.2018 passed by the Odisha Administrative Tribunal, Cuttack Bench Cuttack in O.A. No. 3859 (C) of 2015.

3. Earlier this matter was listed before this Court on 21.08.2019, on which date, this Court disposed of the writ petition observing that the Tribunal in para-7 of the impugned order, referred O.A. No. 602 (C) of 2013, which was a similar case to that of the present applicant and the same having ultimately been confirmed by the apex Court, therefore, there is no reason to interfere with the same. Accordingly this Court held that the Tribunal has not committed any error in passing the impugned order dated 04.01.2018. Against such order, the state preferred SLP (Civil) Diary No. 25000 of 2020, which was disposed of by the apex Court by recording that learned counsel for the petitioners seeks to withdraw the petition as they would like to seek a remedy before the High Court by filing a review petition. As a consequence thereof, the review petition, bearing RVWPET No. 161 of 2021 was filed. The said review petition was disposed of vide order dated 16.09.2022 by recalling the order dated 21.08.2019 passed in W.P.(C) No. 3826 of 2019 and the matter was directed to

be listed on 21.11.2022. Accordingly this writ petition is listed today.

4. In course of hearing, it has been brought to our notice that a batch of Original Applications were disposed of by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack on 04.01.2018 and the State filed a writ petition bearing W.P.(C) No. 631 of 2019 challenging the very order dated 04.01.2018 passed in one of the Original Applications out of the batch of Original Applications, i.e. in O.A. No. 3860 (C) of 2015 (Sarojini Kar v State of Orissa). The said writ petition was dismissed vide order dated 13.03.2020. Challenging the said order, the state preferred Special Leave Petition (C) No. 129 of 2021, which was dismissed vide order dated 25.01.2021. After dismissal of the SLP by the apex Court, the order of the tribunal has also been implemented by the Government on 11.01.2022.

5. In view of the above, this Court is of the considered view that since the order dated 04.01.2018 has been made confirmed by this Court as well as by the apex Court by passing a reasoned and speaking order and present opposite party's Original Application, i.e. O.A. No. 3859 (C) of 2015 is one of such batch of matters, which were disposed vide the common order dated 04.01.2018, this writ petition stands dismissed in view of the order dated 13.03.2020 passed in W.P.(C) No. 631 of 2019, which has been made confirmed by the apex Court vide order dated 25.01.2021 and implemented by the Government vide order dated 11.01.2022. This Court also directs the petitioners to extend the benefit to the opposite party without causing any further delay in the matter.

6. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Arun

(B. P. SATAPATHY)
JUDGE