

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 20359 of 2017

Bhabani Charan Biswal

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Petitioner

Mr. P.K. Mishra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Nayak, ASC

Mr. J.K. Mishra, Sr. Counsel along with

Mr. P.C. Behera, Adv.[O.P.No.3]

Mr. S.K. Pattnaik, Sr. Counsel [O.P.No.4]

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

03.08.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Mishra, learned Counsel for the Petitioner; Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties; Mr. S.K. Pattnaik, learned Senior Counsel appearing for Opposite Party-University of Culture; and Mr. J.K. Mishra, learned Senior Counsel appearing along with Mr. P.C. Behera, learned Counsel for Opposite Party-University Grants Commission.

3. The Petitioner in this this Writ Petition, while assailing the Order dated 07.07.2017 passed by the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 1774 of 2003 under Annexure-22, though in the prayer portion of the Writ Petition it has been mentioned as Annexure-21, without indicating the date thereof, has claimed the relief for grant of financial benefits as due and admissible to him, which has been rejected by the Tribunal.

4. Perusal of order passed by the Tribunal would evident that though Utkal University of Culture-Opposite Party No.3 was not made as a Party before the Tribunal, but in the present Writ

Petition, it has been made as a Party. As such, when this Court made a query, vide Order dated 24.06.2022, Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties, undertook to get instructions on the basis of the letter addressed by the Registrar, Utkal University of Culture, as to why he has written letter on 11.01.2018 to this Court indicating that the University has no role to play so far as grant of UGC scale of pay to the Petitioner is concerned. In compliance of the Order dated 24.06.2022, Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties brings to the notice of the Court that now the University has engaged their separate Counsel to address the Court. Pursuant thereto, Mr. S.K. Pattnaik, learned Senior Counsel entered appearance for Opposite Party-Utkal University of Culture and contended that Utkal University of Culture was not made as a Party before the Tribunal and unnecessarily in the present Writ Petition, it has been made as a Party only to cause harassment. As such, the Registrar, Utkal University of Culture, without knowing the procedure, has written letter for that purpose and, therefore, he expressed unconditional apology before this Court, which is accepted.

4. Further, on query being made by this Court, Mr. P.K. Mishra, learned Counsel for the Petitioner contended that the brief has been transferred to his Office and, as such, he has no knowledge about the impleation of Utkal University of Culture as a Party nor the brief has been drafted by him. But he unequivocally admitted that Utkal University of Culture was not made a Party before the Tribunal and unnecessarily the University has been made as a Party before this Court. Though Mr. P.K. Mishra was not the Counsel who filed this Writ Petition, but he has accepted the brief on transfer, he should be very cautious with

regard to status of the case itself. As such, when the matter was listed on 09.05.2022, a request was made by him that since this is a transfer brief, he needs some time to get himself ready in the matter and accordingly the matter was adjourned for two weeks. At that point of time also, he had never brought to the notice of the Court that Utkal University of Culture was not made as a Party before the Tribunal. Thereafter, when the matter was listed on 24.06.2022, he also did not point out that Utkal University of Culture was not a Party before the Tribunal. Thereby, this Court, taking into consideration the letter addressed by the Registrar, Utkal University of Culture called upon him to explain under what circumstances, such letter was issued. Today, when it is verified, it came to the notice to the Court that Utkal University of Culture was never made a Party before the Tribunal. Consequentially, this Court is of the opinion that this Writ Petition has been filed on the premises to cause harassment to Opposite Party No.4-Utkal University of Culture and to achieve the ultimate goal, what the Petitioner could not get before the Tribunal, on which this Court takes serious view.

5. In the above view of the matter, this Court is not inclined to entertain this Writ Petition, which is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE