

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3265 of 2015

Sasi Bhusan Jena

.....

Petitioner

Mr. G.R. Sethi, Adv.

Vs.

**Deputy Registrar, SAT,
Cuttack Bench, Cuttack and
Ors.**

.....

Opposite parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

08.04.2022

Order No.

07

This matter is taken up through hybrid mode.

2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel S&ME.

3. The petitioner has filed this writ petition challenging the order dated 05.06.2013 passed in O.A. No. 1549 (C) of 2008, by which the State Administrative Tribunal, Cuttack, by holding that there can be no cogent reason to treat such post of Senior Mechanic (Mechanical) and Junior Foreman (Workshop), as single posts to which Section-3 of the aforesaid ORV Act, 1975 shall not be applicable, quashed the promotion orders vide Annexures-5 & 6. The tribunal has further held that the opposite parties may hold fresh D.P.C. for promotion to the said post once again allowing reservation for the Scheduled Castes and Scheduled Tribes as per law, i.e. Section-3 of the ORV in P&S (for SC/ST) Act, 1975, within a period of two months. In case, the petitioner is deemed suitable, he shall be allowed notional promotion with increments with retrospective effect from the date his juniors were promoted but his actual financial benefits shall be paid to him from the date he assumes charge of the promotional post referring to the case of *Union of India vs. B.M. Jha* reported in (2008) 2 SCC (L&S) 399.

The tribunal also directed that the order be implemented within a period of two months from the date of its receipt.

4. Mr. G.R. Sethi, learned counsel for the petitioner contended that due to non-extension of actual financial benefits of the petitioner, the petitioner has approached this Court by filing the present writ petition.

5. Mr. S. Jena, learned Standing Counsel for School & Mass Education Department appearing for the opposite parties contended that though the tribunal has consciously passed the order in not extending the actual financial benefits to the petitioner, but directed to grant the benefits to the petitioner notionally, in view of the judgment of the apex Court in the case of **B.M. Jha** (Supra). Therefore, the claim made by the petitioner in the present writ petition cannot sustain in the eye of law.

6. Having heard learned counsel for the parties and after going through the records, since the relief sought by the petitioner has already been granted by the tribunal and, as such, allowed the notional benefits to the petitioner in view of the judgment of the apex Court in the case of **B.M. Jha** (Supra), this Court is not inclined to entertain this writ petition.

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

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Puspa