

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11836 of 2015

Prabina Kumar Sahoo

.....

Petitioner

Mr. A.K. Behera, Advocate

Vs.

Union of India & Ors.

.....

Opposite parties

Mr. S.B. Panda, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

26.04.2022

Order No.

9

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Behra, learned counsel for the petitioner and Mr. S.B. Panda, learned Central Government Counsel.

3. The petitioner has filed this writ petition challenging the order dated 03.12.2014 passed in O.A. No.568 of 2012, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack, finding that the petitioner is not entitled to any relief sought, dismissed the O.A.

4. Mr. A.K. Behra, learned counsel for the petitioner contended that if the findings recorded in paragraph-16 of the impugned order is taken into consideration, the tribunal, in one hand, has granted liberty to the opposite parties to take a decision on the documents under Annexure-A/8 to the O.A., if not already taken, and communicate the same to the petitioner, and, on the other hand, has dismissed the O.A. It is therefore evident that the tribunal has not applied its mind in proper perspective. In view of such position, the order

dated 03.12.2014 passed by the tribunal in O.A. No.568 of 2012 should be quashed.

5. Mr. S.B. Panda, learned Central Government Counsel contended that the tribunal, taking note of all the facts, has rightly passed the impugned order in dismissing the O.A., which does not require any interference by this Court.

6. Having heard learned counsel for the parties and after going through the records, since the tribunal, vide order dated 03.12.2014 in paragraph-16, has directed the opposite parties, in one hand, to reconsider the case of the petitioner, and, on the other hand dismissed the O.A., that itself is an error apparent on the face of the record. Now this question no more remains to be adjudicated, as in compliance of the order dated 03.12.2014 passed by the tribunal in O.A. No.568 of 2012, the authority has passed the order afresh on 27.03.2015 indicating that the engagement of the petitioner, as GDS Packer, Kaniha has been terminated w.e.f. 30.03.2015. Therefore, the petitioner has to challenge the order dated 27.03.2015 issued by the authority, as it has given rise to a fresh cause of action.

7. In that view of the matter, this Court disposes of the writ petition permitting the petitioner to approach the tribunal agitating his grievances, if he is so advised.

Issue urgent certified copy as per rules.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE



Alok /Puspa

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE

