

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5835 of 2022

Pandab Gochhayat

.....

Petitioner

Mr. B.B. Swain, Advocate

Vs.

***Asst. Manager (Town
Services) Allot and ES SAIL,
Rourkela and others***

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

07.03.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. B.B. Swain, learned counsel for the petitioner.

3. The petitioner, having failed to get interim relief from the Central Administrative Tribunal, Cuttack Bench, Cuttack, has approached this Court by filing the present writ petition.

4. Mr. B.B. Swain, learned counsel for the petitioner contends that the petitioner, while working as a semi-skilled worker in HSM(O) of Rourkela Steel Plant, Rourkela, was in occupation of a quarters. As the petitioner was removed from service, following a disciplinary proceeding, Rourkela Steel Plant moved the Estate Officer, Rourkela under the Public Premises (Eviction of Unauthorized Occupants) Act, 1974 for eviction of the petitioner from the quarters occupied by him. Pursuant thereto, the Estate Officer, Rourkela, vide order dated 20.07.2013, directed eviction of the petitioner. Challenging the order dated 20.07.2013 passed by the Estate Officer, Rourkela, the petitioner approached the Additional

District Judge, Sundargarh in FAO No. 12 of 2013, which was dismissed on contest vide order dated 15.09.2021. Thereafter, the petitioner challenging the order dated 16.12.2021 (Annexure-7) passed by the opposite party no.1 directing him to vacate the quarter immediately, approached the Central Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No. 657 of 2021 and simultaneously moved an application for interim relief. But the Central Administrative Tribunal, vide order dated 01.02.2022, while keeping the question of maintainability of the O.A. open, issued notice to the respondent, but refrained from passing any ad interim relief. Then, an interim prayer was made by the petitioner before the Tribunal seeking direction to the opposite parties to restore electricity supply to the quarters under his occupation, but the same was also rejected vide order dated 25.02.2022. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

5. In course of hearing, learned counsel for the petitioner fairly admitted that against the order passed by the Additional District Judge dated 15.09.2021 the petitioner could have approached this Court by preferring an appeal, but instead of doing so, he moved the Central Administrative Tribunal, Cuttack Bench, Cuttack.

6. Be that as it may, against refusal of interim relief, the writ petition is not maintainable. If the petitioner is aggrieved by the order of the Additional District Judge, Sundargarh in not entertaining the appeal due to pendency of the case before the Presiding Officer, Industrial Dispute Tribunal, which is not functioning for last more than one year, he has got remedy to approach the appropriate forum.

7. In view of the above, this Court is not inclined to accede to the prayer made by the petitioner in this writ petition. However, the

petitioner is at liberty to pursue his remedy before the appropriate forum, in accordance with law.

8. With the above observation, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun

