

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4027 of 2014

Santilata Mohanty

.....

Petitioner

Mr. B.S. Tripathy-1, Advocate

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA(O.Ps.1&2)

Mr. P.K. Mishra, Advocate(O.P.3)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

21.10.2022

Order No.

11.

This matter is taken up through hybrid mode.

2. Heard Mr. B.S. Tripathy-1, learned counsel appearing for the petitioner; Mr. P.K. Mishra, learned counsel appearing for the opposite party No.3 and Mr. A.K. Mishra, learned Additional Government Advocate appearing for the opposite parties no.1 and 2.
3. The petitioner has filed this writ petition seeking to quash the order dated 17.02.2014 passed in O.A. No.1077 of 2012 under Annexure-12, by which the Orissa Administrative Tribunal, Bhubaneswar held that non-promotion of opposite party no.3 due to lapses on the part of the State-opposite parties no.1 and 2 and therefore directed opposite party no.2 to convene a Review DPC to consider the promotion of opposite party no.3 for the post of Senior Typist with effect from the date his junior in the cadre the present petitioner got such promotion in 01.11.2006.
4. Mr. B.S. Tripathy, learned counsel appearing for the petitioner states that during pendency of this writ petition, opposite party no.3 has already retired from service and, as such, the order of the Tribunal has been stayed by this Court, vide order dated 05.03.2014. Therefore nothing remains to be adjudicated by this Court.
5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the opposite parties no.1 contended that the claim of

opposite party no.3 for promotion no more subsists, as he has already retired from service. Because of interim order passed by this Court, steps for promotion could not have been given effect to. In the event, interim order stands vacated, the case of the petitioner for promotion would be considered.

6. Mr. P.K. Mishra, learned counsel appearing for the opposite party No.3 contended that during pendency of this writ petition, opposite party no.3 has retired from service and in compliance of the direction of the Tribunal, Review DPC was convened. If opposite party no.3 gets promotion, he will get some financial benefits towards pension.

7. Considering the contentions raised by learned counsel for the parties and after going through the records, since opposite party no.3 has already retired from service and the order dated 17.02.2014 passed by the Tribunal in O.A. No.1077 of 2012 has been stayed by this Court, vide order dated 05.03.2014, the claim of opposite party no.3 no more subsist.

8. In that view of the matter, this Court dispose of the writ petition with a direction to the State-opposite parties to consider the promotion of the petitioner, if he is otherwise eligible in accordance with law. Interim order dated 05.03.2014 stands vacated.

9. Issue urgent certified copy of this order as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE