

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9688 of 2022

Ghanashyam Kisku

.....

Petitioner

Mr. T.P. Tripathy, Advocate

Union of India and others

Vs.

.....

Opposite Parties

Mr. P.K. Parhi, ASGI

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

**ORDER
20.04.2022**

Order No.

1.

This matter is taken up through hybrid mode.

2. Heard Mr. T.P. Tripathy, learned counsel for the petitioner, and Mr. P.K. Parhi, learned Additional Solicitor General of India.
3. The petitioner has filed this writ petition to quash the order dated 10.03.2022 passed by the Central Administration Tribunal, Cuttack Bench, Cuttack in O.A. No. 111 of 2022. He further seeks direction to the opposite parties to reinstate him in his post till final disposal of O.A. No. 111 of 2012 and further to direct the Tribunal to expedite the proceeding in O.A. No. 111 of 2012 and dispose of the same within a stipulated time.
4. Mr.T.P. Tripathy, learned counsel for the petitioner contended that the petitioner was placed under suspension for seven times and against the said order, he had approached the Tribunal by filing O.A. No. 111 of 2012. The tribunal, while entertaining the said O.A., granted interim order that the pendency of the original application shall not be a bar for the reinstatement of the petitioner. In spite of such order, the opposite parties have

not reinstated the petitioner in service and have continued the suspension order. He further contended that in view of the judgment of the apex Court in *Ajay Kumar Choudhary vrs. Union of India through its Secretary and Anr.* (Civil Appeal No. 1912 of 2015, arising out of SLP (C) No. 31761 of 2013) which was disposed of on 16.02.2015, the suspension order cannot continue beyond 90 days and on expiry of 90 days period, fresh order of suspension is to be passed. Now it is contended that direction may be given to comply with the interim order passed by the tribunal.

5. This Court has no jurisdiction to pass order in the writ petition to implement the interim order passed by the tribunal. However, it is open to the petitioner to pursue his remedy before the appropriate forum in accordance with law, if he is so advised.

6. With the above observation and direction, the writ petition is disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE