

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11330 of 2020

Kishore Chandra Dhal

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Petitioners

Mr. S.K. Ojha, Advocate

Vs.

Union of India and others

.....

Opposite parties

*Mr. C.K. Pradhan,
Senior Panel Counsel*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.03.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Ojha, learned counsel for the petitioner and Mr. C.K. Pradhan, learned Senior Panel Counsel.

3. The petitioner files this writ petition seeking to quash the order dated 19.12.2018 passed in O.A. No. 260/947/2014 as well as order dated 27.03.2019 passed in R.A. No. 260/2/2019 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack and to direct the opposite parties 1 to 3 to treat the petitioner equally with Shri Deepak Kumar Naik offering him regular appointment in PA/SA cadre from the date Sri Naik was appointed with all consequential benefits.

4. Mr. S.K. Ojha, learned counsel for the petitioner contended, the petitioner's case is fully covered by the judgment of this Court in the case of ***(Sri) Devi Prasad Panda v. Union of India and others***, 2020 (I) OLR-657. In view of the said judgment the order passed by the Tribunal cannot sustain and the same is liable to be quashed.

5. Mr. C.K. Pradhan, learned Senior Panel Counsel contended

that since the post in PA/SA cadre are not available and as such the petitioner has been given the post opted by him, i.e. the post of GDS, now he cannot claim the benefit of the post of PA/PS. According to him, once the petitioner has exercised the option to join in the post of GDS, he cannot be given appointment in the post of PA/SA cadre.

6. Having heard learned counsel for the parties and after going through the record, it appears that in the subsequent years the post of PA/SA cadre were made available, but the case of the petitioner was not taken into consideration for absorption, even though under compulsion the petitioner opted to join as GDS. The case of the petitioner is squarely covered by the decision of this Court in the case of **(Sri) Devi Prasad Panda** (supra).

7. In view of the law laid down in the case of **(Sri) Devi Prasad Panda** (supra), the order impugned passed by the Tribunal cannot sustain in the eye of law and liable to be quashed and hereby quashed. The opposite parties 1 to 3 are directed to consider the claim of the petitioner in terms of the law laid down in the case of **(Sri) Devi Prasad Panda** (supra) within a period of four months from the date of commutation of this order.

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

9. Issue urgent certified copy as per rules.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE

