

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 33540 of 2011

Dilip Kumar Dhir and others

.....

Petitioners

Mr. S. Mohanty, Adv.

Vs.

*Chairman-cum-Managing Director,
NALCO and others*

.....

Opposite Party

Mr. J.K. Rath, Sr. Adv. along with

Mr. D.N. Rath, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

17.03.2022

Order No.

4.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioners and Mr. J.K. Rath, learned Senior Counsel appearing along with Mr. D.N. Rath, learned counsel for opposite parties.

3. The petitioners have filed this writ petition seeking to quash the order dated 18.08.2011 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in T.A. No.23 of 2011 under Annexure-10 dismissing the original application filed by the petitioners.

4. Mr. S. Mohanty, learned counsel for the petitioners vehemently contended that the order dated 18.08.2011 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in T.A. No.23 of 2011 under Annexure-10 rejecting the claim of the petitioner cannot sustain in the eye of law and, as such, this Court should interfere with the same.

5. Mr. J.K. Rath, learned Senior Counsel appearing along with Mr. D.N. Rath, learned counsel for opposite parties contended that since the selection is of the year 2002 and in the meantime more than 19 years have passed, by efflux of time the writ petition has become infructuous. As such, the tribunal, by taking note of all the facts after

hearing both the parties, came to a conclusion that the petitioners having participated in the process of selection and having failed, are estopped to challenge the selection process followed by the opposite parties. Thereby, the claim made by the petitioners cannot sustain in the eye of law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that pursuant to an advertisement issued in the year 2002, the petitioners had participated in the process of selection and having not selected, they turned around and claiming the benefits approached the tribunal by filing the original application, which they are estopped to do according to the settled position of law.

7. In the above view of the matter, the tribunal is well justified in passing the order impugned, which does not require any interference by this Court.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Sukanta