

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24522 of 2011

Mahendra Kumar Satpathy

.....

Petitioner

Mr. Kali Pr. Mishra, Adv

Vs.

State of Orissa and Anr.

.....

Opposite parties

Mr. B.P. Tripathy, AGA

Mr. B.K. Dash, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

22.03.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Rath, learned counsel appearing on behalf of Mr. K.P. Mishra, learned counsel for the Petitioner; Mr. B.P. Tripathy, learned Additional Government Advocate for the State-Opposite Parties and Mr. B.K. Dash, learned counsel for opposite party no.2-OPSC.

3. The petitioner has filed this writ petition challenging the order dated 09.08.2011 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 992 (C) of 2001, holding that the claim of the petitioner for ad hoc promotion cannot be taken up at this stage, in view of pendency of the SLP before the apex Court against the decision of the this High Court in W.P.(C) No. 9514 (C) of 2003 and batch.

4. Mr. B.P. Tripathy, learned Additional Government Advocate contended that the present writ petition is covered by the judgment of the apex Court in the case of ***Amarendra Kumar Mohapatra & Ors vs State Of Orissa & Ors***, (2014) 4

SCC 583 . Since the impugned order of the tribunal will abide by the judgment passed by the apex Court, as referred to above, the present writ petition may be disposed of in terms of the said judgment of the apex Court.

5. Mr. B.K. Dash, learned counsel appearing on behalf of opposite party no.2-OPSC also contended that since the matter is pending before the apex Court and the judgment of the tribunal would be guided by the ratio decided by the apex Court, this writ petition may be disposed of in terms of the judgment passed by the apex Court, as mentioned supra.

6. Having heard learned counsel for the parties and after going through the records, since the case of the petitioner is covered by the judgment of the apex Court in *Amarendra Kumar Mohapatra* (supra), the writ petition is disposed of in terms of the ratio decided by the apex Court in the aforesaid case, by modifying the order dated 09.08.2011 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 992 (C) of 2001.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE