

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18500 of 2015

State of Odisha & Ors.

Petitioners

Mr. B.P. Tripathy, AGA

Vs.

Ashok Kumar Hota & Anr.

Opposite parties

*Mr. B. Panigrahi, Advocate
(O.P.1)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

06.05.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. B.P. Tripathy, learned Additional Government Advocate for the State-petitioners and Mr. B. Panigrahi, learned counsel appearing for opposite party no.1.

3. The State and its functionaries have filed this writ petition challenging the order dated 17.12.2014 passed in O.A. No.1220(C) of 2012, by which the Orissa Administrative Tribunal, Cuttack Bench, Cuttack, relying upon the judgment of the apex Court in ***State of Punjab v. Chamanlal Goyal***, (1995) 2 SCC 570 and of this Court in ***Susanta Nanda v. Union of India*** (W.P.(C) No.8440 of 2009) and because of inordinate delay in disposal of the vigilance case, directed the petitioners to open the sealed cover in respect of the promotion of opposite party no.1 as per DPC dated 26.09.2011 and give effect to the recommendation of the DPC with effect from the date his juniors got promotion with consequential benefits and such promotion and benefits shall be subject to the result of the vigilance case and granted liberty to the petitioners to vary the order of promotion as per rules and directed to complete

the entire exercise within a period of two months from the date of receipt of the order. Since opposite party no. 1 has already retired from Govt. service, he will be entitled to pension and pensionary benefits as per Rule-66(i) of the OCS (Pension) Rules, 1992.

4. It is also contended that similar matter has also been considered by this Court in ***Sushama Barik v. State of Odisha*** (W.P.(C) No.21795 of 2021 disposed of on 03.08.2021).

5. Therefore, this Court is not inclined to interfere with the order dated 17.12.2014 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1220 (C) of 2012.

6. Hence the writ petition merits no consideration and the same is dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE