

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21120 of 2022

Subash Chandra Tripathy

.....

Petitioner

Mr. D. Mishra, Adv.

Vs.

*National Aluminum Company
Limited and others*

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

25.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr.D.Mishra, learned counsel for the petitioner.

3. The petitioner has filed this writ petition assailing the order dated 8.7.2022 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/00937 of 2015 by which the Tribunal remitted back the matter to the department to supply performance appraisal report of the year 2009-10, 2010-11, 2011-12 and 2012-13 by giving opportunity to the petitioner to submit a fresh representation within a period of one month from the date of receipt of copy of the order to the competent authority for fresh review of those personal appraisal report. The competent authority after receipt of such representation from the petitioner would consider and dispose of the representation in accordance with law.

4. Mr. D. Mishra, learned counsel for the petitioner submits that earlier the petitioner has approached the authority by filing a representation and the same was rejected. Against the rejection order the petitioner has approached the Tribunal wherein the Tribunal directed to consider the representation of the petitioner which will not suffice the purpose.

5. After hearing learned counsel for the petitioner, it appears that earlier the representation of the petitioner was rejected by the authority. Against the rejection order the petitioner had approached the Tribunal but there were no reference with regard to performance appraisal report of the year 2009-10, 2010-11, 2011-12 and 2012-13. But after due adjudication,

the Tribunal by giving a finding that those performance appraisal report to be taken into consideration. Thus, it cannot be said that the consideration of representation is without any basis rather the same has been done taking into consideration the performance appraisal report of the year 2009-10, 2010-11, 2011-12 and 2012-13.

6. In view of the above, this Court is not inclined to entertain the writ petition. However it is open to the petitioner to pursue the remedy in accordance with law.

7. With the above observation, the writ petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Arun/Kishore

