

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.4050 of 2022
(Through hybrid mode)**

Sashikant Khandai

....

Petitioner

Mr. D. Mohapatra, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. P. K. Parhi, ASG
Mr. D. R. Bhokta, CGC
Mr. U. R. Jena, CGC,

Mr. D. R. Swain, Advocate for O.P.8

CORAM: JUSTICE ARINDAM SINHA

**ORDER
23.09.2022**

**W.P.(C) No.4050 of 2022
and
W.P.(C) No.21512 of 2022**

**Order No.
07.**

1. Two writ petitions are taken up for hearing together. Mr. Mohapatra, learned advocate appears on behalf of petitioner in W.P.(C) no.4050 of 2022, while Ms. Biswal appears on behalf of petitioner in W.P.(C) no.21512 of 2020. Mr. Swain, learned advocate appears on behalf of opposite party no.8 in the first writ petition. Mr. Parhi, learned advocate and Asst. Solicitor General along with Mr. Bhokta, in W.P.(C) no.4050 of 2022 and Mr. Jena in W.P.(C) no.21512 of 2022, learned advocates, Central Government Counsel

appear on behalf of Union of India.

2. On hearing Mr. Mohapatra, Ms. Biswal and Mr. Swain it transpires contention of petitioner in the first writ petition is that the Addl. Secretary could not have issued the election notification. It was issued at a time, when petitioner was still in office. The notification was issued on 18th January, 2022. Petitioner's tenure as Workshop Secretary of the Association was till March, 2022. The outgoing President or Secretary are authorized by the rule, to notify the elections. The Addl. Secretary could not have notified.

3. It is an admitted position that petitioner's tenure as Workshop Secretary as since expired. Both the writ petitions can be dealt with on direction upon petitioner to forthwith notify elections. Learned advocates for appearing parties accept that such direction will resolve controversy in both the writ petitions.

4. Impugned notification dated 18th January, 2022 is set aside and quashed. Petitioner in W.P.(C) no.4050 of 2022 will forthwith notify elections of the Association. This must be done within two weeks from date.

5. In view of above direction no order need be made on W.P.(C) no.21512 of 2022.

6. Both the writ petitions are disposed of.

(Arindam Sinha)
Judge