

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1399 of 2010

Jagannath Mahanta

.....

Petitioner

Mr. P.K. Satpathy, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. S. Kanungo, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

17.10.2022

Order No.

02

WPC (OAC) Nos. 1399 of 2010 & 3290 of 2009

These matters are taken up through hybrid mode.

2. Heard.

3. Learned counsel for the petitioner contended that these writ petitions are covered by the judgment of this Court in WPC (OAC) No. 2780 of 2009 (*Damodar Rout v. State of Orissa and others*) disposed of on 24.01.2022. He further contended that at paragraph-17 of the judgment, this Court observed as follows:-

“In view of the aforesaid law laid down by the apex Court and applying to the present context, this Court is of the considered view that since the order of promotion has been cancelled without affording opportunity of hearing to the petitioner in compliance of the principles of natural justice and also without assigning any reason the order impugned has been passed, the same cannot sustain in the eye of law and the same is liable to be quashed. Accordingly, the order dated 09.11.2009 under Annexure-6 is hereby quashed. The petitioner is entitled to get the promotional benefits from 09.11.2009, when the order of promotion has been cancelled. As a consequence thereof, the opposite parties are directed to extend the benefit to the petitioner as due and admissible to the post, as expeditiously as possible, preferably within a period of four months from the date of

communication/production of certified/ authenticated copy of this order.”

4. In view of the reasons assigned and conclusion arrived at in the aforesaid order of this Court, i.e. in the case of ***Damodar Rout*** (supra), these writ petitions stand disposed of in terms of the said order.

Arun

(DR. B.R. SARANGI)
JUDGE

