

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC (OA) No. 823 of 2010**

***Rajani Kanta Mishra***

.....

***Petitioner***

*Mr. Manas Pati, Advocate*

**- Versus-**

***State of Odisha & Ors.***

.....

***Opp. Parties***

*Mr. N.K. Praharaj,*

*Addl. Standing Counsel for the  
State*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**27.01.2022**

**Order No.**  
**01**

This matter is taken up through video conferencing mode.

2. Heard Mr. Manas Pati, learned counsel for the petitioner and Mr. N.K. Praharaj, learned Addl. Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking to quash Annexure-2, in which promotion has been given to the juniors of the petitioner, and further seeks direction to the opposite parties that the petitioner is deemed to have been promoted w.e.f. 30.06.2010, from which date his juniors were promoted, with all consequential benefits within a stipulated time.

4. Mr. Manas Pati, learned counsel for the petitioner contended that similar question had come up for consideration before the Orissa Administrative Tribunal, Bhubaneswar in O.A. No. 983 of 2010 (Sri Tejraj Patel v. State of Orissa and Ors.), which was allowed vide order dated 28.01.2013, and the case of the petitioner, being squarely covered by the said case, may be disposed of in terms of the order dated 28.01.2013 passed in the said O.A.

5. Mr. N.K. Praharaj, learned Addl. Standing Counsel for the

State contended that against the order dated 28.01.2013 passed in O.A. No. 983 of 2010 (Sri Tejraj Patel v. State of Orissa and Ors.), review application has been filed by the State, which is still pending for adjudication.

6. Considering the contention raised by learned counsel for the parties and after going through the record, this Court is of the view that if the case of the petitioner is covered by order dated 28.01.2013 passed in O.A. No. 983 of 2010 (Sri Tejraj Patel v. State of Orissa and Ors.), there is no justifiable reason to keep this writ petition pending. Accordingly, the writ petition is disposed of with the direction to the opposite parties to extend the benefit, as due and admissible to the petitioner, in terms of order dated 28.01.2013 passed in O.A. No. 983 of 2010 (Sri Tejraj Patel v. State of Orissa and Ors.).

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.