

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 30423 of 2021

Harihar Lenka

.....

Petitioner

Mr. N. Juharsingh, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

11.01.2022

Order No.

02.

This matter is taken up through video conferencing mode.

2. Heard Mr. N. Juharsingh, learned counsel for the petitioner.
3. The petitioner has filed this writ petition seeking to quash the letter dated 06.07.2021 issued by opposite party no.5-Executive Engineer, Rural Works Division, Baripada under Annexure-6, and to issue direction to the employer/opposite parties to act in accordance with clause-55 of G.C.C. for closure of the contract arising out of agreement no.326 PMGSY of 2017-17 without levying any damages/compensation on the petitioner.
4. Mr. N. Juharsingh, learned counsel for the petitioner fairly contended that for the selfsame cause of action the petitioner had earlier approached this Court by filing W.P.(C) No.22821 of 2020, which was disposed of vide order dated 12.02.2021. Thereafter, the petitioner filed review application bearing RVWPET No.137 of 2021 for review of the order which is still pending adjudication. Therefore, prayer was made to list this matter along with the said review petition.
5. Mr. P.P. Mohanty, learned Addl. Government Advocate contended that since the contract was of the year 2016-17 and the petitioner had earlier approached this Court by filing W.P.(C) No.22821 of 2020, which was disposed of vide order dated 12.02.2021 and, as such, the petitioner has also filed RVWPET No.137 of 2021

for reviewing the order passed by this Court, the said review petition has to be considered independently. Therefore, the present writ petition for the selfsame cause of action is not maintainable.

6. Having heard learned counsel for the parties and after going through the records, since the petitioner has already filed review petition for reviewing the order dated 12.02.2021 passed in W.P.(C) No.22821 of 2020, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue his remedy in the pending review petition, if any cause of action still survives for the petitioner.

7. With the aforesaid liberty, the writ petition stands disposed of.

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 7th January, 2022.

(DR. B.R. SARANGI)
JUDGE

Ashok

(S.K. PANIGRAHI)
JUDGE