

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2427 of 2018

Babiram Swain

.....

Petitioner

Mr. N. Rath, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. N. Rath, learned counsel for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to give him notional promotion to different ranks from the date of his juniors were promoted.

4. Mr. N. Rath, learned counsel for the petitioner contended that since the benefit has not been extended to the petitioner, the petitioner has approached this Court by filing the present writ petition.

5. Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties contended that in the meantime, the petitioner has retired from service and, as such, the petitioner has not made his juniors, against whom relief has been sought, as parties to the writ petition. Therefore, the writ petition suffers from non-joinder of proper parties.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner has retired from service and, as such, the persons, who are juniors to the

petitioner, against whom relief has been claimed, have not been made as parties to the writ petition. Therefore, the writ petition suffers from non-joinder of proper parties.

7. In the above view of the matter, the writ petition suffers from non-joinder of proper parties. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

