

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA)No.491 of 2014

Kamalakanta Rana

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

28.07.2022

Order No

5. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. K.C. Sahu, learned counsel for the Petitioner and Mr. Mishra, learned A.G.A.

3. The petitioner is aggrieved by the order of reversion passed on 21.2.2014 by the opp. party No.2 in reverting the petitioner from the post of Auditor.

4. It is submitted that the petitioner vide order dated 21.6.2011 of the Government of Orissa, Finance Department under Annexure-4 was promoted to the post of auditor and he joined in the said post. It is submitted that while continuing in the said promotional post of auditor, basing on the order passed by the learned Tribunal in some matter in which the petitioner was not a party, the petitioner was reverted from the said promotional post vide impugned order under Annexure-5. This Court while issuing notice of the matter passed an interim order on 28.2.2014 where in the operation of the impugned order was stayed. It is submitted that pursuant to the said interim order, the petitioner was reinstated in the post of auditor vide order dated 3.6.2014. It is further submitted that on such reinstatement, the petitioner not

only continued in the said promotional post but also retired while holding that post on 30.4.2021. Mr. Sahu, learned counsel for the petitioner accordingly submitted that since the petitioner has retired while holding the post of Auditor, his prayer as made in the writ petition be allowed.

5. Mr. Mishra, learned AGA on the other hand submitted that even though the petitioner was not a party in the original applications, basing on which the petitioner was reverted, but in the Review DPC, the petitioner being found junior, he was rightly reverted and no illegality has been committed while reverting the petitioner vide the impugned order under Annexure-5.

6. Heard learned counsel for the parties. Perused the materials available on record.

7. There is no doubt that even though the petitioner was reverted vide the impugned order under Annexure-5, but pursuant to the interim order passed by this Court on 28.2.2014, the petitioner was not only re-instated in his promotional post vide order dated 3.6.2014 but also he was allowed to continue till his superannuation on 30.4.2021.

8. In view of such position, the prayer made in the writ petition has become infructuous and no further order is required to be passed. However, since the petitioner has retired while continuing in the post of Auditor, this Court directs the Opp. Parties to extend the benefit as due and admissible to the petitioner by treating the impugned order

as a non-existent order. The entire exercise shall be completed within a period of four months from the date of receipt of this order.

9. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

