

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2678 of 2014

Dasarathi Mallik

....

Petitioner

Ms. Amrita Nayak, Advocate on
behalf of Mr. C.S. Panda, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr. L. Samantaray, AGA for opposite
parties 1 & 2

None for O.Ps.3 & 4

Mr. B.B. Mohanty, Advocate for
Intervenor-petitioner (O.P. No.5)

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
20.12.2022**

Hybrid Mode

Order No.

02. 1. When the matter was last taken up on 10.11.2022, after hearing in some detail and considering the pleadings, the following order was passed:-

“1. This matter is taken up through hybrid mode.

2. The writ petition has been registered before this Court on 25.08.2021 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Principal Bench, Bhubaneswar upon abolition.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the Original Applications (O.A. No.2678/2014 and O.A. No.2679/2014) were taken up on 21.11.2014, notices were issued on admission directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter. As an interim measure, the learned Tribunal directed as follows:-

“As far as prayer for interim relief is

concerned, any further promotion to the juniors of the applicant to the post of Section Officer be made with the leave of the Court.”

Apparently, the matter was last taken up on 17.03.2017 and was never taken up/pursued thereafter.

4. It is fairly submitted by the learned counsel Mr. Rath that the relief as sought for in the O.A. has been granted by the authorities as the petitioner has got promotion to the rank of Section Officer and he may be accommodated to obtain up-to-date instruction as to whether any further cause of action survives for the petitioner.

5. Learned Govt. Advocate, SAT submits that after the petitioner has got promotion to the post of Section Officer and possibly further promotion/RACP in the last 8 years, nothing would survive for adjudication as far as the present petition is concerned.

6. Having heard learned counsel for the parties, to grant another opportunity to the petitioner, list on 28th November, 2022.

I.A. No.104 of 2021

1. The I.A. has been filed by the intervenor petitioner (O.P. No.5) to vacate the interim order dated 21.11.2014. संस्थानिक न्यायो

2. Learned Govt. Advocate, SAT refers to the counter dated 12.01.2015 filed before the learned Tribunal and M.P. No.64 of 2014 (arising out of O.A. No.2678/2014) renumbered as I.A. No.104 of 2021 to submit that as far as the interim order of the learned Tribunal dated 21.11.2014 passed earlier is concerned, after the petitioner having got promotion there will be no difficulty for the petitioner if the said order will be vacated.

3. Having heard the learned Govt. Advocate, SAT for the opposite parties and learned counsel for the petitioner, the I.A. is allowed.

Accordingly, the interim order dated 21.11.2014 stands vacated.

4. The pendency of the present writ petition shall not be a bar for giving promotion to the petitioner as well as private opposite parties or any other similarly situated employees in the

establishment of the opposite parties 1 and 2.

Urgent certified copy of this order be granted on proper application.

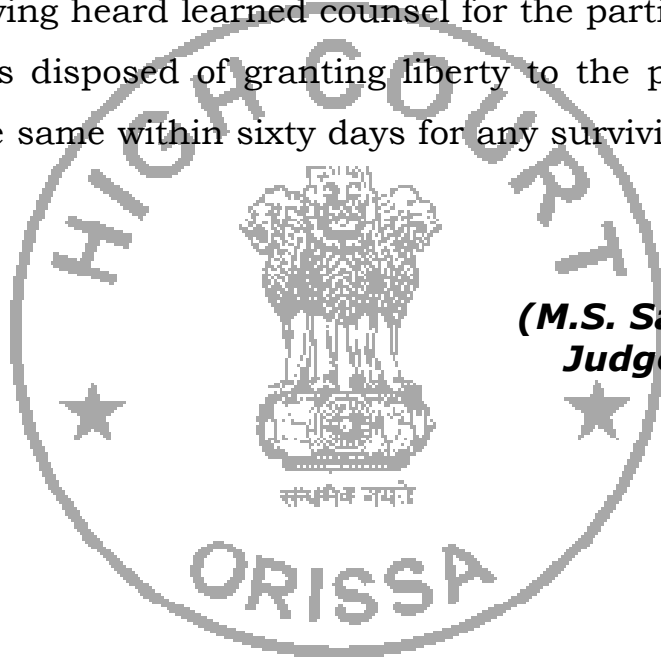
Copy of the order be uploaded.”

Interim order passed earlier in I.A. No.104 of 2021 dated 21.11.2014 has also vacated.

2. It is submitted on behalf of the learned counsel for the petitioner that there is no instruction on behalf of the petitioner to pursue the matter at present.

3. Learned Addl. Govt. Advocate reiterates his submissions as noted in the order dated 10.11.2022.

4. Having heard learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioner to revive the same within sixty days for any surviving cause of action.



(M.S. Sahoo)
Judge