

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29003 of 2022

&

I.A. No.14912 of 2022

Chinmaya Behera

....

Petitioner

Mr. D.N. Rath, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Parties.
 3. This writ petition has been filed by the Petitioner with a prayer to quash the order dated 13.06.2017 passed by the Opposite Party No.1 under Annexure-6 to the writ petition with a further prayer to direct the Opposite Parties to allow him to continue in his post of Assistant Section Officer with all service and financial benefits.
 4. It is submitted by the learned counsel for the Petitioner that earlier challenging the reversion order dated 13.06.2017 under Annexure-6, the Petitioner had approached the State Administrative Tribunal, Odisha, Bhubaneswar by filing O.A. No.878 of 2017. The

Tribunal vide its order dated 20.06.2017, while issuing notice to the opposite parties therein, has passed an interim order that the status quo of the Petitioner as on that date shall be maintained until further orders. Thereafter, the Tribunal was abolished and the matter was transferred to this Court and registered as WPC (OA) No.873 of 2017. It is further submitted that the matter was listed before a coordinate Bench of this Court on 26.8.2022 but inadvertently a submission was made on behalf of the learned counsel for the Petitioner that counsel for the Petitioner has no instruction in the matter. Considering such submission, a coordinate Bench of this Court vide its order dated 26.8.2022 disposed of the said writ petition granting liberty to the Petitioner to approach the authority concerned, if any cause of action still survives. It is further submitted that thereafter he has filed an interlocutory application bearing No.357 of 2022 to recall that order which was passed by a coordinate Bench on 26.8.2022. However, the coordinate Bench of this Court vide order dated 28.9.2022 was not inclined to modify the order of recall dated 26.8.2022. It is further submitted that in the modification application bearing I.A. No.357 of 2022, the Petitioner has taken specific ground that inadvertently a mention was made before the coordinate Bench of this Court that he had no instruction from the Petitioner. Therefore, the matter was disposed of by granting liberty as reflected in the order dated 26.8.2022.

5. Learned Additional Standing Counsel appearing for the State- Opposite Parties, on the other hand, submits that earlier in WPC (OA) No.878 of 2017, State has filed a detailed counter affidavit. However, since the said writ petition has been disposed of, he needs some time to obtain instruction in the matter.

6. Having heard the learned counsel for the respective parties and

going through the materials placed before this Court, this Court is of the considered view that since the matter was earlier disposed of by a coordinate Bench of this Court and recall application was rejected and the fact that no appeal or review of the said order has been filed, the said order attains finality. Therefore, this Court directs the Petitioner to approach the Opposite Party no.1 by filing a representation along with supporting documents within a period of two weeks from the date of production of certified copy of this order and in the event the representation is filed, the same shall be considered and disposed of by a speaking and reasoned order within a period of eight weeks thereafter. The decision so taken shall be communicated to the Petitioner within four weeks thereafter.

7. As an interim measure, it is directed that the order of reversion under Annexure-6 shall not be given effect to for a period of two months from today, if the same has not already been given effect to.

8. With the aforesaid observation and direction, this writ petition as well as the interlocutory application stand disposed of.

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

(A.K. Mohapatra)
Judge