

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1401 of 2016

Krishna Gopal Behera **Petitioner**
Ms Nandita Patra along with
Mr. P.K.Mahapatra, Advocate
-versus-
State of Odisha and others **Opposite Parties**

Mrs. S. Patnaik, AGA for OP No.1
For OPs.2 & 3-None

CORAM:
JUSTICE M.S.SAHOO

ORDER
28.7.2022

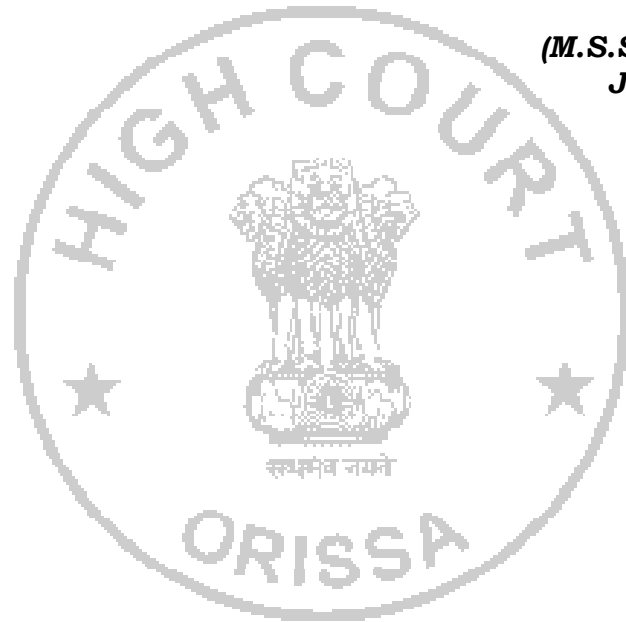
Order No .

- 1** 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 5.1.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Bhubaneswar.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 12.7.2016 directing to file counter within four weeks and rejoinder within two weeks thereof. The matter was never taken up/pursued till it listed today before this Court after being transferred.
4. The O.A. was filed in the year 2016 by the applicant then working as Superintending Engineer, Level-II, Monitoring and Evaluation, inter alia, seeking a direction to grant him promotion to the rank of Superintending Engineer(SE), Level-I from the date his immediate juniors got promotion from SE (Civil), Level-II. It is submitted by learned counsel for the petitioner that the brief has been taken by the petitioner and accordingly, they have no instructions on behalf of the petitioner to pursue the matter at present.

5. Learned AGA referring to the averments made in the petition as well as annexures, submits that the petitioner would have retired from Government service on attaining age of superannuation in the year around 2019, therefore, no cause of action would survive for getting promotion. It is submitted the only possibility is that the petitioner to get notional benefits if the promotion as sought for is finally granted.

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

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(M.S.Sahoo)
Judge