

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.122 of 2012

Shankar Mahananda **Petitioner**

None

-versus-

State of Odisha & others **Opp.Parties**

Mr. R.N. Mishra, Addl. Govt. Advocate.

CORAM:
JUSTICE M.S.SAHOO

ORDER
08.03.2022

Order No.

2.

This matter is taken up through hybrid mode.

None appears for the petitioner when the matter is called. None had also appeared on 23.02.2022 for the petitioner and the following order was passed.

"The writ petition has been renumbered and registered before this Court on 06.08.2021 after being transferred, upon abolition of Odisha Administrative Tribunal, Bhubaneswar.

On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never taken up after 07.02.2012.

The original application was filed by the petitioner when he was 51 years of age before the learned Tribunal in the year 2012, challenging the order dated 23.09.2011 before the learned Tribunal as at Annexure-11, which according to the petitioner is illegal and unfair for not granting him the financial benefits of promotional post retrospectively with effect from 26.03.2010.

It is submitted by the learned Additional Government Advocate that though long lapse of time, nothing survives for adjudication and Annexure-11 in any event is in favour of the petitioner, which has granted in promotion and the financial benefits have been granted in the promotional post when he actually joined.

In such view of the matter, the order under Annexure-11 is just and proper.

To grant another opportunity to the petitioner, list on 8th March,2022.”

Learned Addl. Government Advocate reiterates his submissions that the actual financial benefits in the promotional post can be given only after the petitioner joined in the post and worked.

The writ petition is dismissed for non-prosecution granting liberty to the petitioner to revive the same within 90 days for any surviving cause of action.

(M.S.Sahoo)
Judge



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