

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.778 of 2013

Hemanta Mahananda

....

Petitioner

Mr. Manas Pati, Advocate

-versus-

***Commissioner-cum-Secretary to
Government, Agriculture
Department and others***

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Manas Pati, learned counsel for the petitioner and Mr. P.C. Das, learned Addl. Standing Counsel for the State.
3. The Petitioner has filed this writ petition seeking to quash Annexure-2, in which promotion has been given to the juniors of the Petitioner, and further seeks direction to the Opposite Parties that the Petitioner is deemed to have been promoted w.e.f. 30.06.2010, from which date his juniors were promoted, with all consequential benefits within a stipulated time.
4. Mr. Manas Pati, learned counsel for the Petitioner contended that similar question had come up for consideration before the Orissa Administrative Tribunal, Bhubaneswar in O.A. No.983 of 2010 (***Sri Tejraj Patel v. State of Orissa and Ors.***), which was allowed vide order dated 28.01.2013, and the case of the Petitioner, being squarely

covered by the said case, may be disposed of in terms of the order dated 28.01.2013 passed in the said O.A.

5. Mr. P.C. Das, learned Addl. Standing Counsel for the State contended that against the order dated 28.01.2013 passed in O.A. No.983 of 2010 (*Sri Tejraj Patel v. State of Orissa and Ors.*), review application has been filed by the State, which is still pending for adjudication.

6. Considering the contention raised by learned counsel for the parties and after going through the record, this Court is of the view that if the case of the Petitioner is covered by order dated 28.01.2013 passed in O.A. No.983 of 2010 (*Sri Tejraj Patel v. State of Orissa and Ors.*), there is no justifiable reason to keep this writ petition pending. Accordingly, the writ petition is disposed of with the direction to the Opposite Parties to extend the benefit, as due and admissible to the Petitioner, in terms of order dated 28.01.2013 passed in O.A. No.983 of 2010 (*Sri Tejraj Patel v. State of Orissa and Ors.*).

7. With the aforesaid observation, the writ petition is disposed of.

8. Urgent certified copy of this order be issued as per Rules.

RKS

(*A.K. Mohapatra*)
Judge