

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAPPC) No.116 of 2016

Arabinda Behera & Others *Petitioner*
Miss. Babita Kumari Patnaik, Advocate

.....
State of Orissa & Another *Opposite Parties*

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

Order No.

ORDER
19.07.2022

- 01.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Original Application PP No.116(C) of 2016 was filed before the Orissa Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OAPPC) No.116 of 2016.
- 3.** It is submitted before the learned Tribunal by the counsel for the Petitioner that while the issue with regard to seniority of the Petitioner was pending adjudication, there was no reason to hold DPC and considering the submission, learned Tribunal passed interim direction vide order dated 12th May, 2016 to the following effect:-

“XXX

XXX

XXX

Basing on the instruction, learned Government Advocate submitted that the matter is under process. All the nomination rolls as called for have not yet been received for holding D.P.C for promotion of Senior

Assistants to the rank of Section Officer. After receipt of all the nomination rolls and required relevant information in all respect, decision regarding of holding D.P.C. will be taken. The said instruction is taken on record.

Learned counsel for the applicant submitted that if the D.P.C. will be held before pronouncement of the judgment in O.A. No.1(C)/2012 and batch. The applicants are likely to be affected.

Considering the submission and grievance of the applicants, list this matter along with O.A. No. 1(C)/2012 and batch which is reserved for judgment. Till then no order of promotion shall be issued without leave of the Tribunal. However, the respondent/authorities are at liberty to process the matter for promotion, including holding of D.P.C.”

4. Today when the matter is taken up, Miss Babita Kumari Patnaik, learned counsel for the Petitioner submitted that by efflux of time, the writ petition has been rendered infructuous and no cause of action survives.
5. Accordingly, the writ petition is disposed of as infructuous.

(M.S. Raman)
Judge

Aks