

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAPPC) No.50 of 2016

<i>Bijay Ketan Jena & another</i>		<i>Petitioners</i> None
-versus-		
<i>State of Odisha & Others</i>		<i>Opposite Parties</i> Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN
ORDER
20.07.2022

Order No.

- 06.
1. This matter is taken up through virtual/physical mode.
 2. The Original Application No. 50 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAPPC) No. 50 of 2016.
 3. The Petitioners have come up before this Court for grant of following reliefs:-
 - (i) *Admit the Original Application and issue notice to the respondents to show cause as to why direction(s) shall not be made against them (especially to the respondent no.1) in the matters relating to impleading the names of the applicants in the Final Gradation List i.e., vide Annexure-7 dtd.16.9.2015 by deleting the names of the Data Operating Assistants i.e. from serial No.10 to 27 and to consider them for promotion to the next higher post as per Rule,*
 - ii) *direction(s) be passed against the respondents especially against the respondent no.1 in the matter relating to preparation of Final gradation list and clarify the legality, constitutionality, validity of the appointment of Data Operator Assistants in absence of any specific Rule and regulations enacted by the Legislation and during preparation of Final Gradation list names of the applicants be impleaded since they are legally entitled as the facts discussed above and consider them for the promotion to the next higher post as per law.*

iii) And pass any other appropriate order(s)/direction as the Hon'ble Tribunal deems proper and fit in the interest of justice."

4. Mr. L. Samantaray, Additional Government Advocate submitted that the affected parties have not been impleaded, as such the writ petition is not maintainable. By efflux of time, the gradation list has been finalized and no cause of action survives qua the Petitioners.

5. In view of the aforesaid submission, the writ petition is dismissed as infructuous.

Laxmikant



(M.S. Raman)
Judge