

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.1028 of 2013

Omprakash Naik

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
24.02.2022**

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard Mr. Manas Pati, learned counsel for the Petitioner and Mr. Samal, learned Additional Government Advocate for the State.
3. 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. 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 Vs. 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. Samal, learned Additional Government Advocate 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.), if there is no other legal impediment.

7. With the aforesaid observation and direction, the Writ Petition (OA) stands disposed of.

(Biraja Prasanna Satapathy)
Judge