

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1721 OF 2012

Khagapati Patra

Petitioner

Mr. S.K.Samal, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. Rajesh Kumar Tripathy, ASC

**CORAM:
JUSTICE M.S.SAHOO**

ORDER

26.04.2022

Order No.

3. 1. This matter is taken up by hybrid mode.
2. Original Application has been filed by the petitioner challenging the order dated 26.05.2012 (Annexure-3) issued by the Chief District Medical Officer, Nabarangpur-opposite party no.3 cancelling promotion of the petitioner to the post of Multi Purpose Health Worker (Male).
3. On perusal of the available order-sheets of the learned Tribunal it is indicated that on 6.6.2022, learned Tribunal had directed to maintain status quo till filing of the counter. Subsequently as it appears, objections were filed alleging non-compliance of the said interim order. Show-cause was filed on behalf O.P.-authorities indicating that by the time interim order was passed, the order dated 26.5.2012 was already implemented.
4. On 11.4.2022 after hearing learned counsel for the parties, following order was passed :

“2. Learned counsel for the petitioner submits that the order dated 26.05.2012 (Annexure-3) issued by the Chief District Medical Officer, Nabarangpur-opposite party no.3 has already been set aside by a coordinate Bench of this Court

by order dated 22.02.2022 in WPC(OAC) No.1713 of 2012 filed by Pitabasa Swain.

Learned Additional Standing Counsel submits that he may be provided with copy of the said order to obtain instruction.

List on 26.04.2022.”

5. As submitted by learned counsel for the petitioner, he produced copy of order dated 22.2.2022 passed by a coordinate Bench in WPC(OAC) No. 1713 of 2012 setting aside the order dated 26.5.2012 (Annexure-3) issued by the Chief District Medical Officer, Nabarangpur-opposite party no.3.

6. In view of the setting aside of the order dated 26.5.2012 (Annexure-3) impugned in the present writ petition, the present writ petition is disposed of with the following order :

The order dated 26.05.2012 under Annexure-3 is hereby set aside and the matter is remitted back to the competent authority, i.e., C.D.M.O., Nabarangpur to deal with the same afresh after giving notice to the petitioner and by providing an opportunity of hearing to the petitioner and after considering the grounds that is being raised by the petitioner, final order shall be passed in the matter. It is open for the petitioner to file his show-cause reply in the event notice is issued by the Competent Authority taking all the grounds available to him in law.”

(M.S.Sahoo)
Judge

dutta