

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 35637 of 2021

Mamata Mohapatra

....

Petitioner

Mr. S.P. Mishra, Sr. Advocate along
with Mr. N. Rath, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. L. Samantaray, AGA for the
State-Opposite parties

Mr. J.K. Rath, Sr. Advocate along
with Mr. D.N. Rath, Advocate for
O.Ps.3,6,7,8,9 &10

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

ORDER
22.12.2022
Hybrid Mode

Order No.

07.

I.A. No.11675 of 2022 & I.A. No.13737 of 2022

1. Both the interim applications have been filed for recall of the order dated 09.12.2021 passed in I.A. No.16508 of 2021 (arising out of W.P.(C) No.35637 of 2021). By the said interim order the following was directed:-

“The gradation list as on 2.6.2020 (Annexure-10 series), issued by the Joint Secretary to Government of Odisha, in the Department of Finance and A.R.D. Department, Bhubaneswar and the final gradation list as on 1.1.2021 (Annexure-11 series) issued by the Addl. Secretary to Government of Odisha, in the Department of Finance and A.R.D. Department, Bhubaneswar, shall not be given effect to till the next date.”

RJ

In response to the above I.As. seeking modification of the interim order, the reply on behalf of the petitioner-

opposite parties have been filed. Copy has been served on the learned counsel for the parties and the same forms part of record.

2. Learned Sr. Counsel for the petitioner as well as opposite parties were heard at length along with the learned Addl. Govt. Advocate who advanced his arguments regarding the prayer for modification of the interim order dated 09.12.2021.

3. Learned Addl. Govt. Advocate reiterates the submissions made in the I.A. No.11675 of 2022 and refers to para-7 and 8 of the I.A. which are quoted herein:-

“7. That, in obedience to the order dated 09.12.2021 of this Hon’ble Court, the final gradation list of District Fisheries Officer have not been given effect to and for the same further promotion to the post of Deputy Director of Fisheries has been stalled because of the interim order.

8. That, due to non-filing of the higher post, a good number of Projects/Programmes are being implemented in the Fisheries Sector to enhance Fish production as well as to take Welfare Measures in the interest of State Holders in Fishery Sector, the Departmental activities are being hampered and the same causes serious dislocation in the Government Administration.”

It is submitted that due to non-filling of higher post, implementation of a good number of projects/programmes is hampered, which causes serious dislocation in the governance.

4. After hearing of the matter in some detail, it is agreed at the Bar that no useful purpose would be served in keeping the matter pending in view of the fact that the Departmental Promotion Committee is yet to consider the candidature of the eligible candidates for promotion from

the post of District Fisheries Officer to the post of Deputy Director of Fisheries.

5. In view of the above it has to be observed that before the matter of promotion has been considered in accordance with law as well as the relevant rules and circulars by the appropriate Departmental Promotion Committee, any opinion regarding eligibility/inter se seniority of any of the candidates would be an exercise in futility, therefore the interim order dated 09.12.2021 is recalled.

It is ordered that the Government shall take appropriate expeditious steps to hold the Departmental Promotion Committee in accordance with law as per the relevant rules/circulars for considering the cases of promotion of all eligible candidates from the post of District Fisheries Officer to the post of Deputy Director of Fisheries.

W.P.(C) No.35637 of 2021

In view of the above observations disposing of the I.As., in considered opinion of this Court, the pendency of the writ petition would not subserve any just purpose, accordingly, the same is disposed of.

It is clarified that there has been no expression of opinion by this Court regarding merits of the claims made/contentions raised by any of the parties.

(M.S. Sahoo)
Judge