

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3929 of 2012

Surendranath Soren

.....

Petitioner

Mr. S. Satapathy, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

05.12.2022

Order No.

03

This matter is taken up through hybrid mode.

2. Heard Mr. S. Satapathy, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.
3. The petitioner has filed this writ petition seeking to quash the communication dated 07.07.2012 under Annexure-9 and to direct the opposite parties to bring the petitioner to the work charged establishment with effect from 12.04.1993 and also to sanction and disburse the retirement benefits in his favour treating him as a work charged employee with effect from 12.04.1993.
4. Mr. Satapathy, learned counsel for the petitioner contended that while the matter was pending subjudice before the tribunal since no counter affidavit was filed the same could not have been disposed of by the tribunal. However, after abolition of the tribunal the writ petition was transferred to this Court as registered as WPC (OAC) No.3929 of 2012.
5. Mr. A.K. Mishra, learned Additional Government Advocate contended that during pendency of the aforementioned Original Application before the tribunal and also before this Court, on being transferred after abolition of the tribunal, the petitioner had filed separate writ petition bearing W.P.(C) No. 7847 of 2021, which was disposed of

vide order dated 03.03.2021 directing opposite party no.1 to consider the representation and on consideration of the same, the claim of the petitioner has been rejected vide order dated 18.08.2021. Therefore, the petitioner's relief in the present writ petition does not subsist. Accordingly, he prays for dismissal of the writ petition. According to him, if the petitioner is aggrieved by the order dated 18.08.2021, it is open to him to challenge the same in separate proceeding.

6. Having heard learned counsel for the parties and after going through the record, it appears that for the self-same relief, the petitioner had approached the Tribunal and also this Court. When the matter is taken up today, it is brought to the notice of this Court that with the self same relief, the petitioner had already approached this Court by filing W.P.(C) No. 7847 of 2021, which was disposed of vide order dated 03.03.2021 directing the opposite parties to consider his representation, which has been taken into account and the order dated 18.08.2021 has been passed dismissing his representation. Therefore, nothing more remains to be adjudicated in the present writ petition and the same is disposed of in terms of the order dated 03.03.2021 passed in W.P.(C) No. 7847 of 2021. If the petitioner is aggrieved by the order dated 18.08.2021 passed in compliance to the order dated 03.03.2021 passed in W.P.(C) No. 7847 of 2021, it is open to him to approach the appropriate forum, if he is so advised.

7. With the above observation/direction the writ petition stands disposed of.

Arun

(DR. B.R. SARANGI, J.)