

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.1223 of 2017

Dilip Kumar Jena

....

Petitioner

Mr. Ashok Pattnaik, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

30.08.2022

Order No.

03. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1223 of 2017 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 1223 of 2017.
3. It is the case of the Petitioner that though, he was within the zone of consideration for promotion to the post of Head Clerk, his case was not considered in the D.P.C. appropriately. The learned Tribunal vide order dated 9th April, 2018 passed the following order:-

“In M.P. No. 146/2018 the prayer relates to holding of DPC and filing up the post of head clerk after de-reserving and considering the case of the applicant against said post.

In M.P. No. 456/2017, the applicant has prayed to keep one post of Head Clerk under general category vacant till DPC has considered his case. However, in the mean time as at Annexure-2/1 the Govt. in Forest and Environment Department has approved deserving of head clerk post.

Learned counsel for the applicant submits to dispose of the O.A. as well as M.Ps accordingly.

Learned Standing Counsel seeks time to file counter.

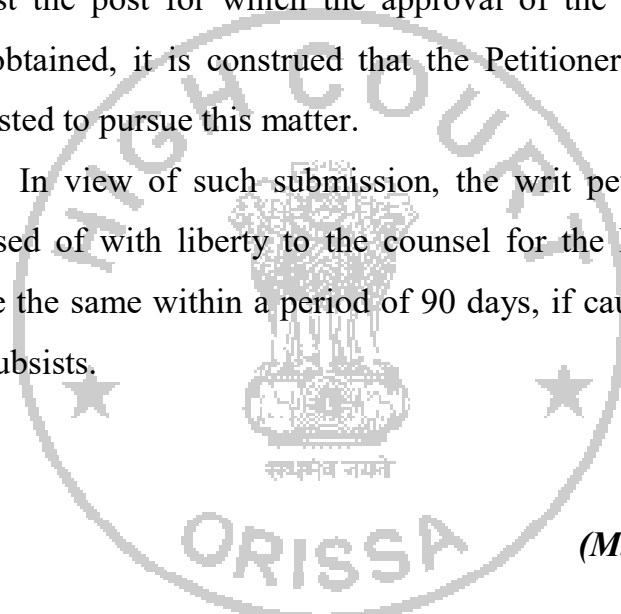
In view of such submission, list this matter in 2nd week of May, 2018 by which date counter be filed.

However, pendency of this O.A. shall not be a bar for holding of DPC against the post for which the approval of the Government has been obtained as at Annexure-2/1.”

4. At the time of hearing today, Mr. Ashok Pattnaik, counsel for the Petitioner submitted that he has no up-to-date instruction from his client.

5. Since the matter relates to 2016, and keeping in view, the order dated 9th April, 2018 to the effect that pendency of the Original Application would not be a Bar for holding DPC against the post for which the approval of the Government was obtained, it is construed that the Petitioner is no more interested to pursue this matter.

6. In view of such submission, the writ petition stands disposed of with liberty to the counsel for the Petitioner to revive the same within a period of 90 days, if cause of action still subsists.



(M.S. Raman)
Judge

Laxmikant