

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 41902 of 2021

Achyutananda Swain and others

Petitioners
Mr. D.K. Sahoo, Advocate

Vs.

State of Odisha and Others

Opposite parties
Mr. S. Jena, SC, S&ME Deptt

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.11.2022

Order No.

02

I.A. No. 12082 of 2022

This matter is taken up through hybrid mode.

2. This application has been filed for modification of the order dated 27.01.2022 passed in the writ petition.

3. Learned counsel for the petitioners contended that, though the case of the petitioners is covered by the ratio decided in the case of *Ashok Kumar Mohapatra v. State of Orissa*, but inadvertently the case was disposed of in terms of *State of Odisha and another v. Bihari Lal and others*. Therefore, he seeks for recalling of the order dated 27.01.2022.

4. Considering the submission made by learned counsel for the parties and after going through the records, the order dated 27.01.2022 passed in W.P.(C) No. 41902 of 2021 is recalled and a fresh order is passed today in the writ petition.

5. The I.A. stands disposed of.

Arun

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

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This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. Learned counsel for both the parties agreed that the issue involved in this writ petition is analogous to one involved in O.A. No. 1668 of 2017 (*Ashok Kumar Mohapatra v. State of Orissa*), which was disposed of by the Odisha Administrative Tribunal vide judgment dated 09.10.2018 and confirmed by this Court in W.P.(C) No.6698 of 2020 and further confirmed by the apex Court in SLP(C) No.15573 of 2020.

4. In view of the above and considering the limited prayer to consider the case of the petitioner in the light of the judgment rendered in *Ashok Kumar Mohapatra* (supra), this writ petition stands disposed of directing the competent authority to dispose of the case of the petitioners applying the decision rendered in the case of *Ashok Kumar Mohapatra* (supra) by undertaking the entire exercise within a period of two months from the date of communication of the order.

Arun

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