

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32067 of 2022

***Bhairab Charan Pattanaik and
others***

....

Petitioners

Mr. S. S. Pratap, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. S. Das, A.G.A.

Mr. J. Patnaik, Sr. Advocate for O.P. No.4

Mr. S. Swain Advocate for O.P. No.7

Mr. S.K. Mishra, Advocate for Intervener

Mr. D.N. Rath, Advocate for Intervener

Mr. S.K. Das, Advocate for O.P. No.11

*Mr. Sanjib Ku. Mishra, Advocate for
Intervener*

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
02.05.2023**

I.A. No.4816 of 2023

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State and learned counsel for the Opposite Parties.
 3. Counter affidavit filed by the Opposite Party No.11 in Court today after serving copy thereof on learned counsel for the petitioner and learned counsels for the Opposite Parties. The same is accepted and be kept on record.
 4. It is submitted by leaned counsel for the petitioners that Petitioner No.4-Ashok Kumar Das is going to retire from service on 31st of May, 2023.
 5. Mr. Sanjib Kumar Mishra, learned counsel appearing for the

Intervener submits that the intervener has been placed at Sl. No.17 of the gradation list and he is going to retire from service on 31st of 2023. Therefore, in the event the authorities are not permitted to the case of the intervener for promotion and he is going to be seriously prejudiced. Interim order passed in the present writ petition for promotion may be ignored.

6. Considering the submission of learned counsel for the intervener, the objection is allowed. The intervener-petitioner be impleaded as Opposite Party No.21 to the writ petition.

7. After hearing learned counsels for the appearing for the parties, this Court on perusal of the record it is found that the petitioner no.4-Ashok Kumar Das and petitioner no.21 are going to retire from service very soon.

8. In such view of the matter, the impugned interim order is modified to the extent that the authorities-Opposite Parties are directed to consider the case of the promotion of Petitioner Nos.4 and 21 for promotion to the higher rank, however, promotion shall be made subject to final outcome of the writ petition.

9. The parties are directed to exchange their pleadings among themselves on the date of next hearing and they are also directed to file consolidated cause title by the next date.

10. List this matter on 23rd of June, 2023 along with W.P.(C) No.3739 of 2021, W.P.(C) No.2434 of 2023, W.P.(C) No.11638 of 2022 and W.P.(C) No.3722 of 2023.

(A.K. Mohapatra)
Judge

Jagabandhu