



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13391 of 2023

Bibhuti Bhusan Moharana and others ***Petitioners***
Mr. Bhabani Shankar Tripathy-1, Advocate
Mr. Manmay Kumar Dash, Advocate
-versus-

State of Odisha and others ***Opposite Parties***
Mr. Manoj Kumar Mishra, Sr. Advocate along with
Mr. Tanmay Mishra, Advocate for O.P. Nos.4,6,7,9 &11
Mr. Arnav Behera, Addl. Standing Counsel for O.P.Nos.1 to3
Mr. Sameer Kumar Das, Advocate for O.P. Nos.9,12,13,18 & 19
Mr. Biswabihari Mohanty, Advocate for O.P. No.8
Ms. Sucheta Gumansingh, Advocate for O.P. No.15

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.
07.

ORDER
27.08.2024.

W.P.(C) No.13391 of 2023 & I.A. Nos.2577,
10603 and 10754 of 2024

This matter is taken up through Hybrid Mode.

2. These interlocutory applications have been filed for vacation of interim order passed on 15.02.2024.
3. Mr. Bhabani Shankar Tripathy, learned counsel for the petitioner has filed an objection to the interlocutory application for vacation of interim order in Court today, which is taken on record.
4. Heard learned counsel for the parties.
5. On perusal of record it is revealed that this Court passed order on 09.02.2024 in I.A. No.1635 of 2024, which is to the following effect:-



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2. This I.A. has been filed with a prayer for direction to the Opposite Parties not to act upon the final gradation list dated 29.01.2024.

3. Mr. Das, learned counsel appearing for the Opposite Parties seeks some time to file his objection to the I.A.

4. Considering such submissions, he is granted two weeks' time to file his objection.

5. List this matter on 20th of February, 2024.

6. As an interim measure, it is directed that any decision taken in the meantime, shall be subject to the final outcome of the present writ application.”

6. Subsequently, considering I.A. No.2243 of 2024, this Court modified the aforesaid interim order dated 09.02.2024 vide order dated 15.02.2024 and passed the following order:-

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2. This interlocutory application has been filed with a prayer to direct the Opposite Parties not to proceed in the process of DPC pursuant to nomination letter dated 07.02.2024.

3. Mr. B.S. Tripathy, learned counsel for the Petitioners submitted that during pendency of the present writ petition, nominations have been sent on 07.02.2024 for promotion to the post from Dy. Commandant.

4. Copies of the interlocutory application have already served on the learned counsels for the private Opposite Parties.

5. Learned counsels appearing for the private Opposite Parties want to file their objection to the aforesaid interlocutory application.

6. Accordingly, the objection be filed within three days.

7. List this case on 20th February, 2024 as fixed earlier.



8. As an interim measure, it is directed that in the event DPC is convened, no final decision be taken till the next date.”

7. It is submitted at the Bar that though liberty was granted to the opposite parties-State to convene DPC, no DPC has yet been convened, which fact has been affirmed by Ms. Saswata Patnaik, learned Additional Government Advocate.

8. Mr. Bhabani Shankar Tripathy-1, learned counsel appearing for the petitioners vehemently opposed for vacation of interim order already granted, inasmuch as in the event of promotions are granted, the present petitioners would highly be prejudiced.

9. Considering the arguments by the learned counsel for the parties, interest of justice shall be best served if the opposite parties-State shall comply with the order dated 15.02.2024 within a period of 15 days hence. However, it is made clear that results of such DPC may not be published till the next date.

10. List this matter on 11.09.2024 for further consideration.

(M.S. Raman)
Judge

Suchitra