



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.904 OF 2022

State of Odisha and another

.... Appellants

Mr. Bibekananda Nayak,
Additional Government Advocate

-versus-

Baikunthanath Panigrahi and others

.... Respondents

None

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

25.02.2026

Order No.

4.
 1. This matter is taken up through hybrid mode.
 2. This Intra-Court Appeal has been filed assailing the order dated 25th February, 2022 passed by this Court in W.P.C.(OA) No.587 of 2013.
 3. Mr. Nayak, learned AGA submits that the Respondent-Baikunthanath Panigrahi being aggrieved by the order of promotion of his juniors ignoring his case had filed OA No.587 of 2013 before the State Administrative Tribunal, Principal Bench, Bhubaneswar. Due to abolition of the State Administrative Tribunal, the said Original Application was transferred to this Court and was registered as W.P.C. (OA)No.587 of 2013.
 - 3.1 In the said Original Application, the Respondent also prayed for a direction to the Opposite Parties/Appellants herein to treat him to have been promoted with effect from 30th June,



2010, i.e., from the date his juniors were promoted with all consequential benefits. After being registered, the said WPC(OA) was taken up on 25th February, 2022 for the first time before this Court and on the very same day, learned Single Judge relying upon the order of the State Administrative Tribunal, Bhubaneswar in OA No.983 of 2010 (Sri Tejraj Patel Vs. State of Odisha and others) disposed of on 28th January, 2013 and directed that the Respondent be extended with the benefit as due and admissible in terms of the said order.

4. Mr. Nayak, learned AGA further submits that the Appellants were not provided with any opportunity to defend their case in the said Writ Petition before the learned Single Judge. Learned State Counsel had also made a statement before learned Single Judge that a review petition, i.e., RVWPET No.9 of 2013 has been filed against the order passed in Tejraj Patel (supra). Without considering the same and without recording a finding that the case of the Respondent is similar to the decision in the case of Tejraj Patel (supra) learned Single Judge directed to extent the benefit to the Respondent as due and admissible in terms of the order passed in OA No.983 of 2010 [Tejraj Patel (supra)]. He, therefore prays for setting aside the impugned order.

5. It is further submitted that the Respondent was given ad hoc promotion for a period of one year only. Since he was not found suitable for usual promotion, which was given to his juniors, he felt aggrieved and has challenged the order. It is further submitted that cases involving similar questions in W.P.(OAC) No.2954 of 2011 (Panchanan Jena Vs. State of



Odisha and others) disposed of on 14th March, 2022, this Court, disposed of the Writ Petition as infructuous.

6. Although notices were made sufficient on the Respondent, but none appears for him at the time of call. On previous occasions also, none had also appeared on behalf of the Respondent.

7. Considering the submission of Mr. Nayak, learned AGA and on perusal of record, it appears that after transfer of the Original Application to this Court, it was registered as W.P.C.(OA) No.587 of 2013. On the very first day when the said Writ Petition was taken up for consideration, i.e., 25th February, 2022, the impugned order has been passed. It is also apparent that learned State Counsel raised an objection submitting that a review petition has been filed against the order dated 28th January, 2013 passed in OA No.983 of 2013 [Tejraj Patel (supra)]. In spite of the same, learned Single Judge proceeded to dispose of the Writ Petition. It also reveals that learned Single Judge has not recorded any finding as to whether the issue involved in the case of Tejraj Patel (supra) is similar and is applicable to the case at hand or not. Without recording any such finding, a direction was issued to the Appellants to extend the benefits to the Respondent as due and admissible in terms of the orders passed in Tejraj Patel (supra).

8. In view of the discussions made above, this Court is of the consideration that the impugned order is not sustainable.

9. Accordingly, the impugned order dated 22nd February, 2022 is set aside. The Respondent, if so advised, may



pursue the Writ Petition, i.e., W.P.C. (OA) No.587 of 2013 after disposal of the RVWPET No.9 of 2013 preferred by the Appellants.

10. The Writ Appeal is disposed of accordingly.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

s.s.satapathy