

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) No.11216/2010

(From the judgement and order(s)dated 04-JAN-10 in WP No. 19827/2009 in M.C. No. 56/2010 of The HIGH COURT OF ORISSA AT CUTTACK)

SATYA NARAYAN MAHAKUL & ORS. Petitioner(s)

VERSUS

STATE OF ORISSA & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 23/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. R. Venkataramani, Sr. Adv.
Mr. Aljo K. Joseph, Adv.
Ms. Madhusmitha Bora, Adv.
Mr. S. Balaji, Adv.
Mr. Balaji Srinivasan, Adv.

For Respondent(s) Mrs. Kirti Renu Mishra, Adv.
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UPON hearing counsel the Court made the following
O R D E R

Learned counsel for the parties submit that since Orissa Finance Service Rules, 2011 and Orissa Taxation and Accounts Service Rules, 2011 have come into force, the case may be remanded back to the High Court for consideration of Writ Petition No. 19827 of 2009 on merits in the light of said Rules.

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In the normal course, we would have remitted the matter back to the Orissa Administrative Tribunal for consideration of the Original Application No. 1187 of 2009, pending before it, in the light of the said Rules, but having regard to the fact that the said Tribunal

is stated to be non-functional because of non availability of Members, we accede to the prayer made by learned counsel. Accordingly, without going into the merits of the impugned interim order, we remand the case back to the High Court for adjudication of petitioners' grievance on merits. It will be open to the High Court to transfer to itself the Original Application, pending before the Tribunal, so that the issue raised in the application is decided expeditiously.

The Special Leave Petition stands disposed of in the above terms.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master