

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 95 of 2018

Jyotirmaya Chandi Prasad Acharya ***Appellant***

Mr. S.B. Satapathy, Advocate

-versus-

Odisha Lift Irrigation Ltd. and Others ... ***Respondents***

None

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
13.12.2022

Order No.

02. 1. The challenge in the present writ appeal is to an order dated 5th February, 2018 passed by the learned Single Judge dismissing the Appellant's writ petition i.e. W.P.(C) No. 25760 of 2017.
2. The challenge in the writ petition by the present Appellant was to an order dated 20th November, 2017 rejecting his representation that he should be permitted to join in the post of Junior Engineer (Civil) notwithstanding that the joining date had long been passed.
3. The background facts are that 20 Diploma Engineers (Civil) including the present Appellant was sponsored to the Lift Irrigation Corporation Ltd. by a letter dated 25th November, 2011 of the Chairman, Committee and Chief-in-Engineer (Civil), Odisha,

Bhubaneswar. The Managing Director, Lift Irrigation Corporation issued an engagement order to the said 20 Diploma Engineers including the Appellant by a letter dated 16th April, 2012. According to the Appellant, he was not aware of the above development and had been approaching the authorities for sponsoring his name. He claims that he was neither intimated about the fact that his name had already been sponsored and nor of his posting to the Lift Irrigation Department, Bhawanipatana. It is only ultimately in 2017 that his claim was rejected by a letter dated 5th June, 2017 on the ground that he ought to have joined the place of posting within ten days from the date of issue of the order.

4. The case of the Appellant both before the authorities and the Single Judge was that another person in whose favour posting order had been issued was allowed to join more than six months after the posting order. As noticed by the learned Single Judge no parallel could be drawn with the said person since he had approached the authorities in 2012 itself whereas the present Appellant waited for five years to even file writ petition in the High Court in the first instance.

5. Learned counsel for the Appellant is not able to satisfactorily explain why the Appellant waited for five years to approach the Court for relief. As pointed out by the learned Single Judge merely filing representations, one after another over the years, would not explain the obvious laches on the part of the Appellant in seeking the relief.

6. Consequently, the Court finds no reason to interfere with the impugned order of the learned Single Judge. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.

