

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6347 of 2022

Sri Dhirendra Kumar Dhar

....

Petitioner

Mr. Ranjit Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.03.2022

Order No.

01. 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.
3. The sole grievance of the Petitioner in the present writ petition is that although his name was selected and placed at the top of the final gradation list and he was eligible to be promoted to the post as the Head Clerk (circle cadre), however, in the Departmental Promotional Committee held on 29.09.2020, the name of the Petitioner has been considered and rejected on the ground that an adverse remark has been made in the CCR of the Petitioner and as such, he was found unsuitable for promotion to the post. Learned counsel for the Petitioner submits that no such adverse entries have been made in the CCR of the Petitioner and at least the same has not been communicated to the Petitioner till date. He further submits that the person who stood at Serial No.5 of the gradation list was given promotion ignoring the Petitioner. Being aggrieved by the

aforesaid action of the Department, Petitioner had approached the Principal Chief Conservator of Forests, Odisha, Bhubaneswar, Opposite Party No.2 dated 5.10.2020 (Annexure-5 series), which according to the Petitioner is still pending for consideration.

4. Learned counsel for the State on the other hand submits that since a representation by the Petitioner is pending before the Opposite Party No.2 as well as appeal is also stated to be pending, the present writ petition is not maintainable at this stage.

5. Considering the submissions made by the respective parties and the fact that Petitioner had preferred an appeal, which is pending before the Opposite Party No.1, this Court directs that the Appellate Authority (Opposite Party No.1) to consider and dispose of the appeal pending before him within a period of one month after providing opportunity of hearing to the Petitioner. It is further open to the Petitioner to take additional grounds in support of his claim and he may also rely on the judgments/circular/order in support of his case. In that event, the Opposite Party No.1 shall consider the appeal in accordance with law and shall dispose of the same by passing a reasoned and speaking order taking into account the grounds raised by the Petitioner in the appeal.

6. With the aforesaid direction, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge