

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6778 of 2022

Manoja Kumar Jena

....

Petitioner

Mr.Digambara Mishra, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.

3. The present writ application has been filed with the following prayer :

The Petitioner, therefore, prays that your Lordships shall graciously be pleased to admit this writ petition, issue Rule nisi calling upon the opposite parties to show cause;

- a) As to why writ in the nature of Mandamus or any other writ shall not be issued directing the Opp.Parties to ante date the promotion of the petitioner with effect from 31.12.2019 and further direct the opp.parties to pay the financial benefits accruing upon the officiating and/or ad hoc promotion and for the period kept in charge of the higher rank/post within a time period to be fixed by the Hon'ble Court;

And to pass such other order or orders as this Hon'ble Court deem fit and proper.

And on their failure to show cause or showing insufficient cause this Hon'ble Court be pleased to make the said RULE absolute by way of issuance of appropriate writ or writs, order or orders in the facts and

circumstances of the present case.”

4. It is submitted by the learned counsel for the Petitioner that if a direction is given to Opposite Party No.1 to consider his representation dated 31.12.2021 which is stated to be pending before Opposite Party No.1 after calling for a report from the Collector, Opposite Party No.2, the grievance of the Petitioner shall be redressed.

5. Learned Additional Government Advocate on the other hand has no objection if a direction is given to consider and dispose of the representation of the Petitioner in accordance with law.

6. Considering the aforesaid submissions, this Court disposes of the writ petition at the stage of admission with a direction to the authorities to consider the representation dated 31.12.2021 of the Petitioner which is pending before him, within a period of two months from the date of production of certified copy of the order. The Opposite Party No.1 is further directed to consider the representation after calling for a report from the Collector, Nayagarh and dispose of the same by passing a reasoned and speaking order. The decision so taken on the representation of the Petitioner be communicated to the Petitioner within two weeks thereafter.

7. This Court has not expressed any opinion on the merits of the case.

8. With the aforesaid observation the writ application stands disposed of.

9. Issue urgent certified copy as per Rule.

