

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6806 of 2022

Antaryami Hota

....

Petitioner

Mr. Ramkrishna Bisoi, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.04.2022

Order No.

02.

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“In view of the above fact and circumstances, it is ardently prayed that the Hon’ble Court may graciously be pleased to quash the order dtd. 28.3.2014 under Annexure-3 issued by Opp. Party No.1 and also direct the Opp. Party No.1 to consider the representation of the petitioner vide Annexure-4 for sanction of the financial benefits to the petitioner to the post of Head clerk w.e.f. 20.4.2001 to 31.5.2003 within a time stipulation as fixed by this Hon’ble Court.

And/or issue any other appropriate writ/writs, order/orders, direction/directions as deem fit and proper

in the fitness of the case”

4. It is submitted by learned counsel for the petitioner that a departmental proceeding was initiated in the 2001 and thereafter he was exonerated. However, the authority did not consider his case for promotion. The petitioner has also approached the Odisha Administrative Tribunal by filing O.A. No.2156 of 2002 and the said O.A. was considered and allowed by order dated 12.02.2013 directing the opposite parties to open the sealed cover and give promotion to the petitioner to the post of Head Clerk w.e.f. the date his immediate juniors get such promotion so also extend the service as well financial benefits in favour of the petitioner. Thereafter the sealed cover was opened and given promotion to the petitioner vide Letter No.10009/RDM dt. 28.03.2013 and it appears that the Under Secretary to Government observation in paragraph-3 of the said letter, the petitioner shall be allowed notionally promotion for the aforesaid period without having any actual financial benefit as he has not discharged any duty in the said post.

5. However, learned counsel for the petitioner further submits that the petitioner has submitted representation dated 15.05.2020 under Annexure-4 before the Under Secretary to Government, Finance Department on 15th of May, 2020 and the same is pending for consideration.

6. Learned counsel for the State submits that he has no objection, if a direction is given to the Opposite Party No.1 to consider the representation of the petitioner in accordance with law within a stipulated period of time.

7. Considering the submissions made by the respective parties,

this Court disposes of the writ petition at the stage of admission with a direction to the Secretary to Government-Opposite Party No.1 to consider the representation of the Petitioner, if any, dated 15.05.2020 under Annexure-4 in accordance with law within a period of two months from the date of production of certified copy of this order. Opposite Party No.1 shall do well to consider and dispose of the representation of the petitioner by passing a speaking and reasoned order on the same. Any decision taken on the said representation shall be communicated to the petitioner within a period of ten days thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

