

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9157 of 2022

Bishnupirya Badajena

....

Petitioner

Mr.Tarunakanta Pattanayak, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.04.2022

Order No.

01.

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 by the Petitioner with the following prayer: *सम्बन्धित न्यायो*

“Under the circumstances stated above this Hon’ble Court may be graciously pleased to;

i) Admit this writ application,

ii) Issue notice of Rule Nisi as to why;

a) The final gradation list shall not be published with immediate effect in pursuance of the order dated 10.12.2012 in O.A.No.1058 of 2010 and order dated 02.03.2021 in W.P.(C) No.2197 of 2013.

b) The Opposite Parties shall not be directed to give promotion to the Petitioner to the post of Senior Typist in pursuance of the order dated 10.12.2012 I

O.A.No.1058 of 2010 and order dated 02.03.2021 in W.P.(C) No.2197 of 2013.

- c) The action of the Opposite Parties shall not be declared as arbitrary and illegal.
- d) And if the Opposite Party does not show cause then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit and proper for ends of justice.”

4. It is submitted by the learned counsel for the Petitioner that the present Petitioner has been working as Junior Typist in the Office of the Director, Agriculture & Food Production, Bhubaneswar. Challenging the seniority an original application has been filed before the Orissa Administrative Tribunal bearing O.A.No.1058 of 2010 which was disposed of on 10.12.2012. Thereafter the same was challenged before this Court in W.P.(C) No.2197 of 2013 and this Court by order dated 02.03.2021 disposed of the writ application confirming the order of the Tribunal. The only grievance of the Petitioner is that the direction of this Court has not been given effect to by the authority on the ground that the gradation list has not been prepared. Therefore, the Petitioner has approached the authority by filing a representation on 27.12.2021, which is pending for consideration by the Director of Agriculture and Food Production, Opposite Party No.2.

5. Learned Additional Government Advocate on the other hand submits that since the matter is pending before the Opposite Party No.2 he will have no objection if a direction is given to Opposite Party No.2 to consider the grievance of the Petitioner as reflected in the representation of the Petitioner dated 27.12.2021.

6. Considering the aforesaid facts and circumstances and keeping

in view the limited nature of grievance of the Petitioner, this Court disposes of the writ application with a direction to Opposite Party No.2 to take a decision on the representation of the Petitioner dated 27.12.2021 within a period of two months from the date of production of certified copy of this order. Further, it is made clear that in the event it is found that the Petitioner is entitled to the benefit as has been decided in the aforesaid writ application and gradation list shall be prepared within six weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the case.

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

RKS

