

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9553 of 2022

Trishna Biswal

....

Petitioner

Mr. S.N. Patnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
27.04.2022**

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.
3. The present writ petition has been filed by the petitioner with the following prayer :-

“It is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased Admit the writ application, to issue rule Nisi calling upon the opposite parties to show cause as to why the prayers made hereunder be not allowed, Upon showing insufficient cause/no cause make the said Rule absolute, Issue writ/writs in the nature of

- i. Mandamus directing Opposite Parties to issue appropriate order confirming the service of the petitioner in the post of OAS Group-A(JB) under Rule 7 of OAS, P &DE Rules, 2014 by quashing the order of Opp. Party No.1 dated 01.07.2021 under Annexure-6 declaring the same to be in contravention of the statutory Rule under Annexure-3

ii. And/or may pass such other writ/writs order/orders, direction/directions as this Hon'ble Court may think fit and proper for the ends of justice.

4. It is submitted by learned counsel for the petitioner that the petitioner was promoted to OAS Grade-A(JB) on probation basis. After completion of probation period, her service was not confirmed on the allegation that she is implicated in a case. He further submits that only on the basis of the F.I.R. lodged investigation is continuing and the charge-sheet has not yet been submitted. Before taking any step, the authority is required to obtain a report from G.A. (Vigilance) Department to Government of Odisha. The Deputy Secretary to Government, Revenue and Disaster Management Department, Odisha, Bhubaneswar has submitted Vigilance clearance in favour of the petitioner vide Letter No.42255 dated 17.02.2022.

5. Learned counsel for the petitioner submits that granting clearance to the petitioner by G.A.(Vigilance) Department has not been taken into consideration while considering the case of the petitioner for promotion and the authority has not taken any action for confirmation on the service of the petitioner and that simply sitting over the matter. Further, it is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 11.04.2019 under Annexure-5 series before the Additional Chief Secretary to Government of Odisha, Revenue & Disaster Management, Bhubaneswar-Opposite Party No.1, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

6. Learned counsel appearing for the State submits that the matter is pending for consideration and that the Government is aware of the report submitted by the Deputy Secretary to Government G.A. (Vigilance) Department letter dated 17.02.2022. He further submits that he has no objection, if a direction is given to the authorities to consider

the grievance petition of the petitioner in accordance with law within a stipulated period of time.

7. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Additional Chief Secretary to Government of Odisha, Revenue & Disaster Management, Bhubaneswar-Opposite Party No.1 to consider the representation of the Petitioner dated 11.04.2019 under Annexure-5 series in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of production of certified copy of this order. Further it is directed that the confirmation of service of the petitioner in OAS Grade-A(JB) and the said Opposite Party shall take into consideration on the clearance issued by the Deputy Secretary to G.A. (Vigilance) Department vide letter dated 17.02.2022 and dispose of 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 two weeks thereafter.

It is further directed that while considering the case of the petitioner, the decision taken by the authority under Annexure-6 letter dated 01.07.2021 and the letter dated 28.05.2012 under Annexure-15 shall not stand on the way.

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

