

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10233 of 2022

Pitabash Hansdah

Petitioner

Mr. R.N. Parija, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
25.04.2022

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

“The petitioner, therefore, prays that Your Lordship would be graciously pleased to admit the case call for the records and after hearing the parties allow the same, issue writ/writs in nature of mandamus/certiorari and/or any other/further writ/direction directing the Opp. Parties to restore the seniority in the Gradation list of 2014 of Executive Engineer (Civil), W.R. Department under Annexure-1 where in for the first time petitioner’s seniority on such promotional post was lowered down and maintain such restored seniority in seniority on such promotional post was lowered down and maintain such restored seniority in subsequent cadres/promotional posts to which the petitioner has already availed, taking

into consideration the judgment dated 28.01.2022 passed in case of *Jarnail Singh & others versus Lachhmi Narain Gupta & Others, Civil Appeal No.629 of 2022 (Arising out of SLP(C) No.30621 of 2011 under Annexure-2*, at an earliest.

And be further pleased to direct the opposite parties the restoration of seniority of the petitioner and consequential promotions may be considered prior to his superannuation w.e.f. 30.04.2022.”

4. It is submitted by learned counsel for the petitioner that the petitioner is going to retire on attaining the age of superannuation on 30th of April, 2022. It is further submitted that the petitioner submitted representation before the Opposite Party No.2 for restoration of seniority of the petitioner and consequential promotion in the case of Executive Engineer (Civil), W.R. Department under Annexure-1 and where in for the first time petitioner's seniority on such promotional post was lowered down and maintain such restored seniority in subsequent cadres/promotional posts to which the petitioner has already availed, taking into consideration the judgment dated 28.01.2022 passed in case of *Jarnail Singh & others versus Lachhmi Narain Gupta & Others, Civil Appeal No.629 of 2022 (Arising out of SLP(C) No.30621 of 2011) under Annexure-2*. Therefore, limited prayer of the present petitioner in the writ petition is that the Opposite Party No.2 may be directed to consider the representation of the petitioner dated 08.04.2022 under Annexure-5 as expeditiously as possible in the light of law laid down in the *Jarnail Singh & others versus Lachhmi Narain Gupta & Others, Civil Appeal No.629 of 2022 (Arising out of SLP(C) No.30621 of 2011(Supra)*.

5. Learned counsel appearing for the State 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.

6. 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, Water Resources Department, Bhubaneswar-Opposite Party No.2 to consider the representation of the Petitioner dated 08.04.2022 under Annexure-5 in accordance with law within a period of six weeks from the date of production of certified copy of this order in the light of *Jarnail Singh & others versus Lachhmi Narain Gupta & Others, Civil Appeal No.629 of 2022 (Arising out of SLP(C) No.30621 of 2011(Supra)*. It is needless to mention here that the representation of the petitioner shall be considered and disposed 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 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