

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11017 of 2022

Indramani Nayak

....

Petitioner

Mr. Krishna Chandra Sahu, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

09.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This writ petition has been filed by the Petitioner with the following relief:

“It is therefore prayed that the Hon’ble Court be graciously pleased to allow this writ petition by quashing the impugned order dtd.18.04.2022 under Annexure-17 with further directing the Opp. parties for proper fixation so also placement of the name of the petitioner in the final gradation list of Sr. Laboratory Asst. by placing/fixating his name just below the Opp. Party No.4, i.e. at Sl. No.2 with all consequential service benefits within a time bound period keeping in view of the order/observation made by this Hon’ble Court under Annxure-14 for the interest of justice.

And may further be pleased to pass any other order(s) as deems fit & proper for the bonafide interest of justice.

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

4. It is submitted by learned counsel for the Petitioner that in the earlier writ petition bearing W.P.(C) No.33300 of 2020, disposed of on 07.12.2020 has given a specific direction to the Petitioner to file a fresh representation before the Opposite Party No.1, who shall consider the same keeping in view the direction given by this Court in the earlier writ petition. It is further submitted by learned counsel for the Petitioner that pursuant to the direction of this Court, Petitioner had submitted a detailed representation before the Opposite Party No.1 on 16.12.2020 (Annexure-15), which was subsequently forwarded to the Drugs Controller, Odisha, Bhubaneswar, Opposite Party No.2, vide letter dated 11.01.2021 (Annexure-16). Further on perusal of the order of the Opposite Party No.2, dated 18.04.2022 under Annexure-17, it appears that the representation of the Petitioner has not been considered as has been directed by this Court in W.P.(C) No.33300/2020, vide order dated 07.12.2020.

5. In such view of the matter, this Court finds that the Authority has not acted upon the direction of this Court dated 07.12.2020. Accordingly, this Court directs that the order dated 18.04.2022 (Annexure-17) is not sustainable in the eye of law and the same is set aside and the matter is again remanded back to the Opposite Party Nos.1 to 3 to consider the case of the Petitioner afresh in the light of the order dated 07.12.2012, passed in W.P.(C) No.33300/2020 after providing opportunity of hearing to Opposite Party No.4. The entire exercise shall be completed within a period of

eight weeks from the date of production of certified copy of this order.

6. Further learned counsel for the Petitioner expressed his apprehension that the Authorities might conduct the DPC in the meanwhile taking into consideration the above facts, this Court accordingly directs the Opposite Party Nos.1 to 3 to conduct the DPC preferably after disposal of the representation of the Petitioner.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

