

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11067 of 2022

Shreekanta Naik

....

Petitioner

Mr.Prasanta Kumar Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner with the following prayer:

“ Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

A writ of mandamus or an appropriate writ may be issued commanding the opposite parties to consider the case of the Petitioner for promotion to the rank of Assistant Executive Engineer and to give promotion to the petitioner to the rank of assistant Executive Engineer with all consequential service and financial benefits at least from the date his juniors have got promotion to such post ie. By virtue of notification dated 24.04.2018 under Annexure-7 and Notification dated 08.03.2019 under Annexure-6 which shall be subject to final outcome of the disciplinary proceeding pending against the Petitioner keeping in view the Office Memorandum dated 17.06.2021 issued by the General Administration Department under Annexure-8, as the Petitioner has fulfilled the eligibility conditions enumerated under the Office Memorandum dated 17.06.2021 since the disciplinary proceeding is pending against him for more than five years, within a time to be stipulated by this Hon'ble Court.

B) And any other order/orders or direction/directions may be issued so as to give complete relief to the Petitioner.”

4. It is submitted by the learned counsel for the Petitioner that ventilating his grievance, the Petitioner has filed a detailed representation before the Commissioner-cum-Secretary, Department of Water Resources, Opposite Party No.1 on 15.12.2021 under Annexure-10. It is also submitted by the learned counsel for the Petitioner that the said representation is pending without consideration as of now.

5. Learned Additional Government Advocate on the other hand submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.1 which is stated to be pending within a stipulated period of time in accordance with law.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.1 to consider the representation of the Petitioner in accordance with law within a period of three months from the date of production of certified copy of this order. The Opposite Party No.1 shall do well to dispose of the representation of the Petitioner taking into consideration Annexure-8 by passing a speaking and reasoned order. The decision so taken on the representation of the Petitioner, shall be communicated to the Petitioner within a period of two weeks thereafter.

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

8. Issue urgent certified copy as per Rules.