

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7126 of 2016

Babulal Hansada

....

Petitioner

Mr. Kuresh Prasad Dash, Advocate

-versus-

State of Odisha and Others

Opp. Parties

Mr. S. K.Samal, AGA

(O.P. Nos. 1 to 3)

Mr. Prabhash Chandra Panda, Advocate

(O.P. Nos. 5 & 6)

CORAM:

JUSTICE SANJAY KUMAR MISHRA

ORDER

14.09.2022

Order No.

- 10.** **1.** This matter is taken up through hybrid mode.
- 2.** In the present Writ Petition, the Petitioner has prayed to direct the Opposite Party No. 6-General Manager, Odisha State Agricultural Marketing Board, Bhubaneswar to consider the letters, as at Annexure-4 Series, in terms of the communication made by the Opposite Party No. 5-Secretary, Regulated Marketing Committee, Malkangiri, and promote the Petitioner to the Post of Market Sarkar retrospectively when his juniors were promoted to the said Post with all the

consequential service benefits from the date of his eligibility for being promoted to the said Post.

3. On being noticed, though the contesting Opposite Party No. 5 has already filed Counter on 03.05.2017, today, during hearing of the present Writ Petition, Mr. Prabhash Chandra Panda, learned Counsel for the Opposite Party No. 5 produces a photocopy of the letter No. 259/2022 dated 25.05.2022 of Secretary, RMC, Malkangiri, addressed to the General Manager, Odisha State Agricultural Marketing Board, Bhubaneswar, recommending the case of the Petitioner for promotion indicating therein as follows:-

“Sir,

With reference to the letters cited above on the subject, I am to inform you that, one Sri Babula Hansada, M. G. of this office file a case Hon'ble High Court of Odisha, Cuttack, and the Hon'ble Court has directed Secretary RMC to dispose of the case. Accordingly, this Office has submitted a parawise comment in response to W.P.(C) No. 7127/16 that the Petitioner case will be considered after vacancy of the post.

One Sri A. Brundaban Market Sarkar has retired from service on 30/10/2021. So one post of Market Sarkar is now vacant. Sri Babula Hansada, M.G. may be allowed promotion to the post of Market Sarkar.

4. Admittedly, as per the communication dated 25.05.2022 in view of the retirement of one Sri A. Brundaban, Market Sarkar w.e.f. 31.10.2021, one Post

of Market Sarkar is now vacant. This Court is hopeful that the Authority concerned would well to promote the Petitioner to the Post of Market Sarkar at the earliest preferably within a period of two months from the date of production of the certified copy of the Order passed by this Court with other consequential benefits, if any, which the Petitioner is legally entitled to.

5. Accordingly, the Writ Petition stands disposed of.

6. The photocopy of the letter No. 259/2022, dated 25.05.2022 filed by the learned Counsel for the Opposite Party No. 5 be kept on record.

(S. K. MISHRA)
JUDGE

AKPradhan