

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.803 of 2008

Ram Chandra Nayak

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.11.2022

Order No

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. M.K. Mohapatro, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

“In view of the facts mentioned in Para-6 of the Original Application the applicant prayed that, this Hon’ble Tribunal may declare the Office Order No. 5532 dated 28.03.2008 under Annexure-11 as illegal, arbitrary and quash the same and direct the Respondent No. 1 & 2 to issue promotion letter in favour of the applicant for the post of Rural Labour Inspector forthwith.”

4. It is submitted that during pendency of the matter even though the Petitioner was promoted to the rank of Rural Labour Inspector vide order dtd.30.05.2012 under Annexure-14 to the writ Petition, but he was eligible to get the benefit of promotion to the aforesaid post from the date Private Opp. Parties were so promoted vide order dtd.28.03.2008 under annexure-11. It is accordingly submitted that

the Petitioner is entitled to get the benefit of promotion for the period from 28.03.2008 to 30.05.2012.

6. Mr. Das, learned ASC on the other hand submitted that the Petitioner on being found eligible has been given promotion vide order at Annexure-14 and there is no further cause of action on his part for consideration by this Court.

7. Having heard learned counsel for the Parties and taking into account the nature of grievance raised, this Court while disposing the writ Petition, permits the Petitioner to make an appropriate application seeking extension of the benefit of promotion from the date the Private Opp. Parties were so promoted vide order dtd.28.03.2008 before the Opp. Party No. 2.

8. It is observed that if any such application is made by the Petitioner within a period of three (3) weeks from today along with a copy of this order, Opp. Party No. 2 shall take a lawful decision on the same within a period of three (3) months from the date of receipt of such representation. The decision so taken by the Opp. Party No. 2 and also be communicated to the Petitioner within that time.

9. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha