

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20423 of 2022

Naba Kumar Padhi & Ors. Petitioners

-versus-

State of Odisha & Anr. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.08.2022**

Order No

- 05.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. P.V. Balkrishna, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the Opp. Parties.
3. The Petitioners are aggrieved by the action of the O.P. No. 5 in issuing the advertisement dtd.17.12.2021 under Annexure-4, wherein steps have been taken to fill up the post of Banking Assistant Grade-II in different District Central Co-Operative Banks of the State.
4. It is submitted that as per the provision contained in the relevant Human Resource Policy, 2011, 30% of the post in the rank of Banking Assistant is reserved for the employees affiliated to different Primary Agriculture Co-operative Societies.
5. It is further submitted that in respect of Berhampur District Central Co-operative Bank, the cadre strength of Banking Assistant is 80 and at present only 16 are continuing as against the post of Banking Assistant. It is submitted that without considering the

claim of the Petitioners and similarly situated employees affiliated to different Primary Agriculture Co-operative Societies as against those 30%, ear marked for them, the Authorities are proceeding with the selection process pursuant to Annexure-4 and in the meantime steps have been taken to publish the final merit list as reflected in Annexure-6.

6. Mr. Balkrishna, learned counsel for the Petitioner submitted that the Petitioners will be seriously prejudiced, if their case of promotion to the post of Banking Assistant is not considered prior to such action of the O.P. No. 5 in filling up the post meant for direct recruitees to the extent of 60%.

7. Mr. Das, learned ASC on the other hand submitted that since in the advertisement nothing is indicated as to whether the same has been issued by encroaching 30% ear marked for the employees of PACS, he is not in a position to make any submission in that regard.

8. Considering the submissions made by learned counsel appearing for the Parties, this Court while disposing the writ Petition permits the Petitioners to move O.P. No. 2 with regard to their claim for promotion as against the 30% ear marked for them in respect of the post of Banking Assistant.

9. It is observed that if any such application is moved within a period of seven (7) days from the date of receipt of this order, O.P. No. 2 shall take a lawful decision on the same within a further period of one month. However, it is observed that the claim of the Petitioners for their promotion as against 30% of the cadre strength in the rank of Banking Assistant shall be taken up simultaneously along with the recruitment process initiated under Annexure-4.

However, it is observed that if no such application is moved within the aforesaid period of seven (7) days, the Authorities will be at liberty to proceed with the recruitment process.

10. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha

