

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP (C) No. 22544 of 2022

Kunilata Mohanty

....

Petitioner

Mr. S.C.D. Dash, Advocate

-Versus -

State of Orissa and others

....

Opposite Parties

*Mr. S. Das,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.09.2022

Order No.
3.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.C.D. Dash, learned counsel for the petitioner and Mr. S. Das, learned Additional Standing Counsel for the State.
3. The petitioner claims to have been appointed as an Anganwadi worker in Borikina Anganwadi center with effect from 05.03.1984. Subsequently, she was disengaged. A stand was taken by the CDPO that in the xerox copy of the pay acquaintance roll for the period from 01.07.1990 to 13.07.1990, it was mentioned that the petitioner was terminated from service. In the meantime, the petitioner had approached this Court in W.P.(C) No.14072 of 2012 being aggrieved by the non-consideration of her case for fixation of her seniority in the gradation list. This Court by order dated 09.01.2014 directed the Collector, Jagatsinghpur to consider and dispose of the representation of the petitioner to be filed by her in accordance with law. While disposing of the representation the Collector was of the

view that due procedure was not followed for termination of the service of the petitioner as stipulated in Government guidelines and that the CDPO had acted whimsically at her sweet will having least regard to the said guideline and therefore, her termination from service is illegal which has resulted in loss of her seniority. Accordingly, the Collector in his order dated 14.05.2015, enclosed as Annexure-2 to the writ petition, directed that the seniority of service of the petitioner be reckoned from the first date of her joining as Anganwadi worker of Borikina Anganwadi centre under Balikuda ICDS project, i.e. 05.03.1984 and the gradation list to be modified accordingly. It is submitted that in spite of such clear direction of the Collector, the gradation list was not published and the seniority of the petitioner was not restored, even though her juniors had been granted promotion to the higher post of Supervisor vide office order dated 15.12.2012. The petitioner was promoted as lady supervisor by order dated 09.01.2017, but only on contractual basis, even though her juniors have been promoted regularly. Ventilating such grievance, the petitioner claims to have submitted a representation to the Collector on 16.03.2022, a copy of which is enclosed as Annexure-5 to the writ petition. Since the matter is pending before the appropriate authority, without expressing any opinion on the merits of the matter, the writ petition is disposed of with a direction to the Collector, Jagatsinghpur to consider the representation of the petitioner with regard to her grievance relating to fixation of seniority and to pass an order in accordance with law within a period of four weeks from the date of communication of this order or on production of certified copy thereof by the

petitioner.

4. The writ petition is accordingly disposed of.

5. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

B.C. Tudu

