

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.2426 of 2018

Kamalakanta Panda

.....

Petitioner

Mr. S. Mallik, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Mallik, learned counsel for the petitioner and Mr. J.P. Patnaik, learned Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the impugned gradation list at Annexure-4 with a direction to publish the final gradation list placing the petitioner below 26 as per the findings of the Review Selection Committee and further to quash the impugned promotion orders dated 31.03.2018 and 06.07.2018 at Annexure-6 series and further to issue direction to the opposite parties to promote the petitioner to the rank of OAS (J.B) w.e.f. 31.03.2018, the date from which his juniors were promoted, with all consequential service and monetary benefits.

4. Mr. S. Mallik, learned counsel for the petitioner contended that the Review Selection Committee in its meeting held on 17.01.2018 decided to select the name of the petitioner for recruitment to Odisha Revenue Service Group-B by way of promotion for the year 2011. The decision of the Committee is

extracted below:

“The committee found that the candidate is a UR category candidate and his name would have been placed below Sl. No.26(A) had his name been recommended earlier. The applicant has 5 outstanding CCRs at his credit during the last 5 years and bears equal merit in comparison to the UR candidate selected earlier in the Review DPC held on 06.01.2016. The applicant is also senior than the candidates recommended earlier. Hence, the Review Selection Committee decided to select the name of Kamalakanta Panda for recruitment to ORS by way of Promotion for the year, 2011 under UR category whenever the vacancy will be available for the said recruitment year, 2011”.

It is contended that even though recommendation has been made by the Review Selection Committee, but till date the petitioner has not been extended with the benefit, though juniors to him have already been extended such benefit.

5. Mr. J.P. Patnaik, learned Government Advocate appearing for the State-opposite parties contended that since the Government has considered the case of the petitioner and decided to extend the benefit, after approval from the Odisha Public Service Commission the benefit will be granted to him.

6. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that on the basis of recommendation made by the Review Selection Committee held on 17.01.2018, the case of the petitioner was considered and accordingly the Joint Secretary to Government of Odisha, Revenue and Disaster Management Department, vide order dated 27.03.2019, issued directions to the following effect.

*“Bhubaneswar, dated the 27th March, 2019
No. CON-R-46/2017 16626/R&DM Sri Kamalakanta panda, Asst. Collector, O/o the Sub-Collector, Anandapur who was earlier appointed in terms of Rule 4(b) of Odisha Revenue Service (Recruitment) Rules, 2011 by way of ‘Promotion’ against the Recruitment Year, 2012 is hereby re-allotted with the Recruitment Year, 2011 as per the recommendation of Review Selection Committee held pursuant to orders of Hon,ble OAT passed in O.A. No.501(C)/2013 and other O.A. cases.*

2. Sri Kamalakanta Panda shall be treated to be promoted notionally against the Recruitment Year, 2011 with financial benefit from the actual date of his joining in ORS Cadre.

3. Inter-se-seniority of Sri Kamalakanta Panda shall be determined as per recommendation of Odisha Public Service Commission”.

7. In view of the above, since the claim of the petitioner has already been considered and recommended for approval from OPSC, this Court directs the authority to extend the same to the petitioner as expeditiously as possible, preferably within a period of four months from the date of production/communication of the copy of this order.

8. With the above observation & direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI)
JUDGE

