

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25964 of 2022

Santosh Kumar Nayak & Anr. Petitioners

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
30.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioners have filed the present Writ Petition with the following prayer:-

“The petitioners, therefore, most humbly pray that this Hon'ble Court may graciously be pleased to issue rule Nisi, calling upon the Opposite Parties to show cause as to why the Opposite Parties shall not be directed to upgrade the Gradation List of the Executive Engineers working in the Organization immediately;

And/ or to prepare the list of senior Executive Engineers on the basis of their joining in the cadre and to immediately constitute DPC for consideration of their candidature for promotion to the cadre of Superintending Engineer, Level-II;

And as to why the representation of the petitioners under Annexure-2 and 3 shall not be considered immediately so as to accord promotion to the post of Superintending Engineer, Level-II in consideration of their date of retirement.

And if the Opposite Parties fail to show cause or show insufficient cause to make the said rule absolute

by issuance of an appropriate writ (s), order (s) as this Hon'ble Court may deem fit and proper;

And/ or to pass such other order (s), direction (s) as this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case.

And for this act of kindness the petitioners shall as in duty bound ever pray."

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioners to make a fresh representation before Opp. Party No.2 by enclosing all the relevant documents and citations in support of their claim, if any, within a period of seven (7) days.

5. It is observed that if such a representation is filed within the aforesaid period, Opp. Party No.2 shall do well to take a lawful decision on the same within a period of four (4) weeks from the date of receipt of such representation. The order so passed by the Opp. Party No.2 be communicated to the Petitioners.

6. With the aforesaid observation and direction, the writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha