

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAB) No.7 of 2018

Sanjeev Kumar Nayak

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.09.2022

Order No

3.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. K.C.Sahu, learned counsel for Petitioner and Mr. R.N.Mishra, learned Addl. Government Advocate for the State.

3. The Petitioner filed the present Writ Petition challenging the order dated 04.06.2018 under Annexure-3, wherein the persons junior to him got the promotion ignoring his claim.

4. Counter affidavit has been filed by the Opposite Party Nos.1 to 5, wherein it has been stated that due to non-availability of the CCR for the period from 2011-12 to 2015-16, the case of the Petitioner could not be recommended and accordingly he has not been given promotion.

5. In view of such stand taken in the counter affidavit, this Court finds that non-consideration of the case of the petitioner on the ground of non-availability of CCR is not a valid ground as the Petitioner has no role with regard to non-availability of the CCR for the period indicated in the impugned order.

6. In view of the same, this Court while disposing the Writ Petition directs the Opposite Parties more particularly Opposite

Party No.3 to reconsider the case by considering the claim of the petitioner and pass necessary order allowing promotion to the Petitioner, if he is found eligible from the date his juniors were so promoted vide order dated 04.06.2018 under Annexure-3. This Court further directs the Opposite Party No.3 to complete the exercise within a period of three months from the date of receipt of this order.

7. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

