

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26191 of 2022

Kalpataru Jena

..... Petitioner
Mr.A.C.Behera, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr.A.Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The present writ application has been filed with the following prayer.

“Therefore, it is respectfully prayed that this Hon’ble Court may graciously be pleased to admit this Writ Petition, issue Rule Nisi for calling upon the Opposite Party No.2 for show cause as to why the direction will not be issued for providing promotion to the appropriate post to the Petitioner. This Hon’ble Court be pleased to make its rule absolute if the said opp.party fails to submit sufficient cause or show insufficient cause and after hearing from the parties, this Hon’ble Court may direct in the writ of Mandamus to the Opp.Party No.2 to provide promotion to the Petitioner to the post of General Manager as per the office order dated 20.01.2011 taking into consideration of the service period of the Petitioner with an immediate effect. This Hon’ble Court be pleased to direct to the Opp.Party for disposal of the representation dated 14.07.2022 within a stipulated time by providing an adequate opportunity of hearing to the Petitioner for the interest of justice and equity.

This Hon’ble Court be pleased to pass any order(s) may direct any direction as this Hon’ble Court may deem fit just and proper in this case.”

4. It is submitted by the learned counsel for the Petitioner that due to inaction of the authorities, the Petitioner has already lost four steps of promotion. He further submits that the Petitioner has submitted his representation on 14.07.2022 which is pending before the authority for consideration.

5. Learned Additional Standing Counsel on the other hand submits that since the Petitioner has already approached the authority by filing a representation, let the authority take a decision in accordance with law.

6. Considering the aforesaid submissions, the writ application is disposed of at the stage of admission without expressing any opinion on the merits of the case directing the Petitioner to file a representation within two weeks from today along with supporting documents taking all the grounds available to him. In the event such a representation is filed before the Chief General Manager (P&A), Opposite Party No.2, the Opposite Party No.2 shall do well to consider the representation of the Petitioner in accordance with law and pass a speaking and reasoned order while disposing of the representation. The decision so taken shall be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

