

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.2073 of 2018

Sri Kali Bhusan Dutta

....

Petitioner

Mr. R.K. Bisoi, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER

20.09.2022

Order No.

- 05.**
1. This matter is taken up through virtual/physical mode.
 2. The Original Application No. 2073 of 2018 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 2073 of 2018.
 3. The Petitioner with a prayer to quash the order dated 13th April, 2018 issued by the Collector, Balasore promoting Opposite Party No.4, namely, Smt. Sarasi Mohanty, R.I. in the office of Tahasildar, Simulia in the district of Balasore submitted that being engaged on job contract basis on 13th December, 1978, he was regularized with effect from 21st May, 2012. The claim of the Petitioner is that as the Opposite Party No.4 joined as Amin on 27th June, 2012, i.e., much after his regularisation as per the Criteria of Promotion Rules, 1992, the Petitioner should have been considered on merit-cum-suitability with due regard to seniority.
 4. Learned Odisha Administrative Tribunal issued notice to the Opposite Parties vide order dated 27th August, 2018.

Pursuant to the said order, counter has come to be filed by the Opposite Party No.2, wherein the following is stated:-

“As per ODRS Rules, 1983 for consideration of promotion to the post of R.I. & R.S. passing of Departmental Training is mandatory. Further, it is to mention here that Sri Dutta was nominated to undergo training at RITI Khalikote in the district of Ganjam which was scheduled from 01.06.2017 to 28.07.2017 vide this office Order No-119/Estt., dt. 30.05.2017. But Sri Dutta has submitted his unwillingness through tahasildar Remuna to undergo such training due to self illness like Diabetics & High Blood pressure (Annexure-B & C). Accordingly he did not participate in the training Programme. Further Letter No-165/D.E. dt. 13.04.2018 of Dy. Secretary (Rev), Board of Revenue Odisha, Cuttack speaks that “the syllabus of departmental training of Amins at RITI includes many more laws and Rules than they have taken in the Settlement and Consolidation training as J.C. Amins. So departmental training of J.C. Amins after their absorption in regular establishment in RITI is required.” (Annexure-D). As such the committee rightly did not consider the case of Sri Dutta for promotion.”

5. At the time of hearing today, Mr. R.K. Bisoi, counsel for the Petitioner submitted that he has no instruction.
6. Accordingly, the writ petition stands dismissed.

(M.S. Raman)
Judge

Laxmikant