

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27739 of 2022

Sivaram Barik

....

Petitioner

Mr. Debasis Tripathy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.11.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate.
3. The present writ application has been filed with a prayer to quash the impugned promotion dated 08.06.2022 issued by the Collector, Dhenkanal under Annexure-6 and further direction to the Opposite Parties to consider the case of the present Petitioner for promotion strictly on the basis of the seniority with all consequential service benefits attached to the promotional post.
4. It is submitted by the learned counsel for the Petitioner that pursuant to an advertisement issued in the year 2012 the Petitioner has submitted his candidature for appointment to the post of Revenue Field Staff under Dhenkanal district. Thereafter the Petitioner was selected and as such was appointed vide appointment order issued in the year 2013. Thereafter a gradation list was prepared on the basis of

merit cum seniority. He also submits that some posts of Revenue Inspector, which are appointed under Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983 are lying vacant at the moment. Accordingly, the Collector, Dhenkanal published a Notification vide Office order No.1341 dated 08.06,2022 notifying 15 posts to be filled up on promotion from amongst the Revenue field staff. It is further submitted by the learned counsel for the Petitioner that ignoring the case of the Petitioner, who is eligible to be appointed, the authority appointed some of the Revenue Field staff, who are junior to the Petitioner. Being aggrieved by such conduct of the Opposite Parties the Petitioner has approached this Court in the present writ application.

5. Learned Additional Government Advocate on the other hand submits that the Petitioner has not brought all the facts to the notice of the Departmental Authority i.e. the Appointing Authority, the Collector & District Magistrate, Dhenkanal. Therefore, it is suggested by the learned Additional Government Advocate that the Petitioner be directed to first approach the Collector & District Magistrate, Dhenkanal by filing a representation stating therein his grievance on the ground on which he seeks relief and the Collector and District Magistrate, Dhenkanal shall consider the representation of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the grievance of the Petitioner and upon perusal of the materials placed before this Court, this Court deems it proper to dispose of the writ application, without expressing any opinion on the merits of the matter, by directing the Petitioner to file a fresh representation within two weeks from today before the Collector & District Magistrate, Dhenkanal, Opposite Party No.2. In the event

such a representation is filed, the Collector & District Magistrate, Dhenkanal shall do well to consider and dispose of the same within six weeks from the date of filing representation and pass a reasoned and speaking order. 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.

RKS

