

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) NO.3823 OF 2015

Ananta Prasad Nayak

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

- 4.**
- 1.** This matter is taken up through Hybrid Mode.
 - 2.** Heard Mr. A.B.Parida, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A
 - 3.** The present writ petition has been filed with the following prayer.

“Necessary direction be made to the respondents to consider the case of the applicant for promotion to the post of Senior Clerk and he may be promoted to the post of Senior Clerk from the date of his eligibility to got promotion to such post and his date of entry to Govt. service be corrected to 26.9.1990 instead 4.6.1992 and all consequential benefits may be made available to him and his post and other retiral benefits may be enhanced accordingly.”

- 4.** It is submitted that even though the petitioner was absorbed in the regular establishment vide order dated 26.9.1990, but in the gradation list, his date of absorption was wrongly shown as 4.6.1992. It is submitted that because of such wrong committed by the authority in reflecting the date of absorption, the petitioner is deprived from getting the benefit of

promotion to the post of Senior Clerk. Mr. Parida, learned counsel or the petitioner also files a copy of the order dated 26.9.1990 issued by the Superintending Engineer, P.H. Circle, Cuttack, wherein it has been indicated that the petitioner has been brought over to the regular establishment against a vacant post.

5. Mr. Y.S.P. Babu, learned A.G.A on the other hand submitted that the petitioner was never absorbed in the regular establishment vide office order dated 26.9.1990 and in fact, he was absorbed in the said post on 4.6.1992 and accordingly, the prayer made in the writ petition is not entertainable.

6. This Court after going through the materials available on record and the office order No.8608 dated 26.9.1990 issued by the Superintending Engineer, Cuttack, Public Health Services, Cuttack finds that the petitioner was brought over to the regular establishment vide the said order. Therefore, this Court while disposing the writ petition permits the petitioner to move appropriate application before opp. party no.1 seeking consideration of his grievance as made in the Writ Petition.

7. It is observed that if any such application is made as directed hereinabove, opp. party No.1 shall take a lawful decision on the same within a period of 3(Three) months from the date of receipt of the representation and communicate the result thereof to the petitioner.

8. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

