

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.426 of 2014

Ashok Kumar Tripathy

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

O R D E R

23.3.2022

Order No

- 1.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
- 3.** The Petitioner has filed the present Writ Petition for the following reliefs.

“(i) The Hon’ble Tribunal may be pleased to direct the respondents to hold a review DPC to consider the case of the applicant for promotion to the rank of ACF without taking into account the pendency of vigilance case, if his case has not been kept in sealed cover in the DPCs held on 22.02.2012 and to give him promotion in accordance with settled law propounded by the Hon’ble Apex Court and our High Court as cited above immediately.

“(ii) The Hon’ble Tribunal may further be pleased to direct the respondents to open the sealed cover and to act upon the recommendations of the DPC held on 21.08.2013 if his suitability has been determined by the said DPC and to give him promotion retrospectively to the rank of ACF from the date of his junior Sri Dhruva Charan Routray got promotion to the said post on 29.02.2012.

“(iii) The Hon’ble Tribunal may further be pleased to direct the respondents to give all financial & consequential services benefits to the applicant on the even of his promotion to the rank of ACF retrospectively from the date his immediate junior got promotion to the said post on 29.02.2012.

“(iv) Cost of the litigation may be awarded in favour of the applicant.

(v) Any other relief (s) as your Honour may deem (s) fit and proper”.

4. Learned counsel for the Petitioner submits that the Petitioner has moved before Opposite Party No.1 seeking redressal of his grievance as made in the representation dated 03.12.2012 under Annexure-11 to the Writ Petition.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs Opposite Party No.1 to take a decision on the above noted representation of the Petitioner in accordance with law within a period of three months from the date of receipt of certified copy of this order and communicate the result thereof to the Petitioner.

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

7. Issue urgent certified copy of the order as per rules.

(Biraja Prasanna Satapathy)
Judge

Subrat