

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.4008 of 2016

Umesh Chandra Mallick ***Petitioner***
Mr. Prahallad Sahu, Advocate
-versus-
State of Odisha and others ***Opposite Parties***
Mr. Manoj Kumar Khuntia,
Additional Government Advocate

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

16.08.2022

Order No.

01. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No.4008 (C) of 2016 was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 4008 of 2016.
3. Alleging non-consideration of representation with regard to rectification of gradation list of senior clerks as on 15th January, 2016, the Petitioner has approached this Court. It is the grievance of the Petitioner that pursuant to the order dated 5th October, 2016 passed in W.P.(C) No.8132 of 2014 in the case of ***Ganesh Nayak-v- State of Odisha***, a provisional gradation list has been drawn up. Mr. Sahu, learned counsel for the Petitioner submitted that the juniors in the rank of senior clerks have been placed above the name of the Petitioner in the provisional gradation list dated 7th October, 2016 published by the Collector, Kandhamal-Opposite Party No.2.

4. Mr. Khuntia, learned Additional Government Advocate submitted that challenge as made by the Petitioner is premature as there is a scope for the Petitioner to raise objection before the authority concerned against the provisional gradation list and by efflux of time the matter would have reached finality by publication of final gradation list.

5. In view of the aforesaid submission, the Collector, Kandhamal-Opposite Party No.2 shall consider the representation dated 17th October, 2016 as stated to have been submitted before him within a period of three months from today, if not already disposed. The Petitioner is at liberty to file comprehensive representation along with material particulars as he wishes to place before the authority concerned.

6. With the aforesaid observation and direction, the writ petition is disposed of.

7. With the disposal of the writ petition, the interim order passed vide order dated 15th November, 2016 by the Odisha Administrative Tribunal, is hereby vacated.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Jyostna