

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.1587 of 2016

Ghana Sundar Das

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.09.2022

Order No

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

The Respondent No.2 be directed to declare the applicant to be promoted for the post of Senior Clerk w.e.f 18.11.2005 and Head Clerk w.e.f 18.11.2010 with all consequential benefits.

- 4.** It is submitted that the petitioner vide order dated 31.10.2005 under Annexure-1 was allowed to work as against the post of Sr. Clerk and while continuing in the said capacity, he was given regular promotion vide order dated 31.3.2010 under Annexur-4, the petitioner when was not allowed the benefit as provided under Rule 74-B of the Orissa Service Code, he approached Opp. party No.3 for such extension of benefit for the period he discharge the duty of Sr. Clerk basing on order at Annexure-1. It is submitted that the said prayer was not

acceded to on the ground that unless there is appropriate direction from any Court, the said prayer cannot be considered.

5. Even though the notice of the Writ Petition was issued since 19.5.2016, no counter affidavit has been filed by the said opposite party.

6. This Court after going through the materials available on record, this Court finds that the order vide Annexure-1, the petitioner was allowed to discharge the work of Sr. Clerk and he discharged the said duty vide order dated 31.3.2010. under Annexure-4. Therefore, Opp. party No.3 should have considered the claim of the petitioner in the light of the provision contained under Rule 74-B of the Orissa Service Code.

7. In view of the matter, Opp. party No.3 is directed to take a decision on the petitioner's claim for getting the benefit as provided under Rule 74-B of the Orissa Service Code within a period of three months from the date of receipt of such order and on such consideration, if the petitioner is found eligible to get the benefit, necessary order also be passed for release of such benefit within that time.

8. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita