

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.3721 of 2016

Sheela Sarkar

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B.B. Mohanty, learned counsel for the Petitioner and Mr. YSP Babu, learned AGA appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

“In view of the facts mentioned in para-6 above, the applicant prays for the following relief (s):

i) The Original Application be allowed;

ii) This Hon'ble Tribunal may be pleased to quash the order of reversion dated 07.10.2016 under annexure-11 passed by the Respondent No.2.

iii) This Hon'ble Tribunal may graciously be pleased to direct the Respondents to allow the applicant to continue as T.O. with all consequential service and financial benefits;

iv) And pass any other order/orders or direction/directions be issued so as to give complete relief to the applicant.”

4. It is submitted that taking into account the fact that the Petitioner is a trained CTI training holder, he was given promotion to the post of Training Officer vide office order

dtd.12.09.2014 under Annexure-6. It is submitted that while continuing in the said promotional post of Training Officer, the self same Authority without issuing any show-cause and without affording any opportunity of hearing reverted him to the post of Asst. Training Officer vide the impugned order dtd.07.10.2016 under Annexure-11.

5. It is submitted that the said order of reversion was passed on the ground that the training acquired by the Petitioner is not the required CTI/ATI training, which is required to avail such benefit of promotion. It is also submitted that the said order of reversion was stayed by the learned Tribunal while issuing notice of the matter in order dtd.19.10.2016 and by virtue of the same the Petitioner is continuing as on today in the promotional post of Training Officer.

6. Mr. Mohanty, learned counsel for the Petitioner submitted that similar issue has been decided by this Court in its order dtd.22.08.2022 in W.P.(C)(OAC) No.2952 of 2016. It is submitted that the training acquired by the Petitioner vide Annexure-5 has been dealt with by this Court and it has been observed that such employees, who had acquired such training are not required to undergo the one year CTI/ATI training for promotion to the post of Training Officer.

7. In view of such finding of this Court in its order dtd.22.08.2022, this Court is inclined to quash the impugned order dtd.07.10.2016 under Annexure-11, so far as it relates to the Petitioner. While quashing the same, this Court directs the O.P. No. 2 to take a fresh decision in the matter in the light of the order passed by this Court in the above noted case. The said exercise shall be completed within a period three (3) months from the date of receipt of this order. Till a fresh decision is taken, the interim order passed by the learned Tribunal on 19.10.2016 shall continue.

8. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Subrat

