

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.500 of 2016

Sabeswar Brahmananda

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. P.K. Mohanty, ASC

CORAM:

JUSTICE M.S. RAMAN

ORDER

20.07.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 500 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 500 of 2016.
3. As is revealed from the petition that the limited prayer of the Petitioner is for fixation of his seniority in terms of judgment of Hon'ble Apex Court dtd.19.02.2014 in Civil Appeal No.8322 of 2009 and batch of cases. The grievance of the Petitioner, it appears that the Opposite Parties while considering his representation have misapplied the ratio of the judgment of Hon'ble Apex Court rendered in the said Civil Appeal.
4. Mr. P.K. Mohanty, Additional Standing Counsel pressed into the order bearing No.32256-HUD-13-PHE-38-OP-3-IIIP-219/2015/HUD, Bhubaneswar dtd.17.11.2015. Perusal of said order dated 17th November, 2015 passed by the Commissioner-cum-Secretary to Government, H & UD Department inter alia indicates the following:-

“Xxx

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xxx

But the applicant was appointed as Assistant Engineer on adhoc basis on 12.10.1984. Subsequently he appeared OPSC against direct recruitment and on the basis of recommendation of OPSC, fresh appointment order was issued vide H & UD Department Notification No.29753/HUD, dtd.23.07.1990

and the applicant joined as Assistant Engineer on 27.07.1990. Accordingly the seniority of the applicant has been fixed and he has been promoted to the rank of A.E.E. & E.E., and seniority in the rank of Executive Engineer has also been fixed vide office order No.33084/HUD, dtd.18.11.2013. Further, this is a settled case of about 25 years past. The judgment dtd.19.02.2014 of the Hon'ble Supreme Court of India no way related to the case of the applicant.

In view of the above, the prayer of the applicant for fixation of his seniority along with others from the date of their first adhoc appointment followed by approval of O.P.S.C in terms of the ratio of the decision of Hon'ble Apex Court dtd.19.02.2014 in C.A. No. 8322 of 2009 and batch cases merits no consideration, hence rejected. Accordingly, the representation is disposed of."

5. In view of aforesaid submission and categorical observation made in the said order that the order dated 19th February, 2014 rendered by the Hon'ble Apex Court under Civil Appeal No.8322 of 2019 and batch case does not relate to the present Petitioner, the writ petition stands dismissed.

(M.S. Raman)
Judge

Laxmikant