

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29297 of 2022

Adikanda Sahoo

....

Petitioner

Mr.Sapan Kumar Pal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.B.P.Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
 3. The present writ application has been filed with the following prayer:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to considering the above facts and circumstances of this case and to admit the writ petition, call for the records after hearing the parties issue writ in the nature of certiorari by set aside the order dated 06.09.2022 and tentative gradation list dated 15.03.2022 vide Annexure-4/1 & 5 of the Writ Petition and issue a writ of mandamus directing the Opp.Paty No.3 to promote the Petitioner to the post of SFTA to AFO as junior of the Petitioner have already promoted by the Opp.Party No.3;”

4. It is submitted by the learned counsel for the Petitioner that

although persons junior to the Petitioner have been given promotion, the case of the Petitioner has not been considered. He further submits that although the Petitioner claimed promotion as a matter of right, however he has right to be considered. However, keeping in view the background of the present case, although juniors are promoted, the case of the Petitioner has not been considered. It appears that the right of the Petitioner has been prejudiced.

5. Learned Additional Government Advocate on the other hand submits that the Petitioner has not approached the Departmental Authority before coming to this Court. In such view of the matter, let the Petitioner approach the authority first along with supporting documents. In the event a representation is filed, the same shall be considered in accordance with law within a stipulated period of time.

6. Considering the rival contentions advanced by the respective parties, this Court disposes of the writ application without expressing any opinion on the merits of the case, directing the Petitioner to file a detailed representation taking all the grounds available to him along with supporting documents before the Opposite Party No.3, who is the competent authority in the present case within a period of two weeks. In the event such representation is filed, the same shall be considered in accordance with law and shall be disposed of by passing a reasoned and speaking order particularly keeping in view the fact that juniors have already been promoted in the meantime and dispose of the representation within a period of eight weeks from the date of filing of the representation. The decision so taken on the representation of the Petitioner be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

