

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1257 of 2017

Laxmi Nanda

....

Petitioner

Mr. Sidheswar Mallick, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as Mr. P.C. Das, learned Additional Standing Counsel.
3. Perused the records.
4. The present petition has been filed by the Petitioner with a prayer to quash the order of promotion dated 31.03.2017 under Annexure-6 so far as Opposite Party No.5 is concerned. Further the Petitioner has sought for a direction to the authority that the seniority list be corrected by showing the correct date of joining of Opposite Party No.5 and further she has prayed for a direction to the authority to promote the present Petitioner as Anganwadi Supervisor with effect from 31.03.2017 the date on which the juniors to the Petitioner were promoted to the post of Anganwadi Supervisor with all consequential monetary benefit. So the only dispute that is involved in this case is with regard to inter se seniority. Learned counsel for the Petitioner draws the attention of this Court to Annexure-3 which

is an information obtained under RTI Act from the CDPO, Titilagarh wherein it has been mentioned that the date of joining of the present Opposite Party No.5 is 08.11.1989. However, the date of joining of the present petitioner is mentioned as 26.07.1989.

5. Learned counsel for the Petitioner further submits that in the common seniority list/gradation list issued by the competent authority the name of Opposite party No.5 has been placed at Sl. No.18 and her date of joining has been shown as 18.06.1989 instead of 08.11.1989. Therefore, on the basis of such wrong entry in the common seniority list the Opposite Party No.5 has been placed above the present Petitioner. Accordingly she has been given promotion to the post of Supervisor ignoring the claim of the present Petitioner. Learned counsel for the Petitioner also submits that although she had approached to the authorities on several occasions for correction of such wrong entry in the seniority list and to consider her case for promotion to the post of Supervisor from the date when her juniors were promoted, the same has not been considered till date.

6. Learned counsel appearing for the State submits that the original application is not maintainable before the learned Tribunal and the order passed is an appealable one. In such view of the matter, he submits that the application is not maintainable.

7. Upon perusal of the records submitted by the Petitioner, this Court is of the prima facie view that there is error apparent in the common seniority list and the same needs to be reconciled. Further in the event the same is corrected and the same is found that she is senior and she has not been considered for promotion along with her juniors then definitely the same will cause prejudice to the Petitioner.

8. Having heard learned counsel for the parties and considering

the facts and circumstances narrated hereinabove, this Court disposes of the writ application with a direction to the Petitioner to file a fresh representation indicating therein the aforesaid fact along with supporting documents before the Collector, Bolangir-Opposite Party No.2 within a period of two weeks from today along with a certified copy of this order, the same shall be considered strictly in accordance with law and shall be disposed of by speaking and reasoned order within a period of two months from the date of filing of the representation. In the event it is found that the Petitioner is eligible to be promoted to the post of Supervisor, she shall be given promotion within a month thereafter.

9. With the aforesaid observation, the writ petition is disposed of.

10. Urgent certified copy of this order be granted on proper application.

RKS

