

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 488 of 2012

Lohit Kumar Rath

....

Petitioner

Mr. R.N.Nayak, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. T.K.Praharaj, SC for OPs.1 & 2

Mr. Swapnil Prabhu Jena along with

Mr. S.B.Jena, Advocate for OP. NO.3

CORAM:

JUSTICE M.S.SAHOO

Order
No.

ORDER
8.4.2022

3. 1. This matter is taken up by hybrid mode.
2. Earlier the matter was heard in some detail on 16.2.2022 and was adjourned on the next date, i.e., 23.2.2022 as prayed for by learned counsel for the petitioner to obtain instruction.
3. On 16.2.2022 the following order was passed.

"1. This matter is taken up by hybrid mode.

2. The O.A. being transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack after its abolition, has been registered as a writ petition before this Court on 29.11.2021.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up after 3rd April, 2017.

4. Heard learned counsel for the applicant/petitioner at length.

5. It is submitted that the applicant who joined service as Village Forest Worker (V.F.W.) on 28.1.1985, prayed for a direction before the learned Tribunal to declare his service equivalent to that of Forest Extension Officer. On being asked specifically, learned counsel for the petitioner submits that he does not have any instruction regarding the appointment and

service benefits granted to the O.P. no.3 and he is seeking relief to be declared as Forest Extension Officer as there is similarity in the service books of the applicant and OP. No.3.

6. Counter affidavit on behalf of respondent no.3 is available on record, verified on 27.9.2015. Learned counsel for the petitioner fairly submits that the appointment of O.P. No.3 as FEO by order dated 11.1.1985 was never challenged by the applicant.

7. Learned counsel for the O.P. No.3 submits that O.P. No.3 has in the meantime retired from service.

8. It is also not disputed that the cadre of Village Forest Worker has been merged with the cadre of Foresters by way of amendment to Rule-4 of the Odisha Sub-ordinate Forest Service (Method of Recruitment & Condition of Services of Foresters) Rules, 1998 as per Govt of Odisha notification dated 10.2.2009.

9. Learned counsel for petitioner prays for further time to obtain instruction from the petitioner regarding the service benefits prayed for by the petitioner since for the present, it is not clear how the petitioner is entitled.

10. List on 22.3.2022, as prayed for.”

4. Learned counsel for petitioner on instruction, submits that the O.P. No.3 has retired from Govt. service on attaining age of superannuation and he has no grievance as against promotion of the O.P. No.3 who retired as Forest Extension Supervisor in the year 2019.

5. Learned Standing Counsel reiterates the submissions on behalf of the State in the order dated 16.2.2022 referring to the counter dated 27.9.2015.

6. It is submitted by learned counsel for petitioner that the petitioner and O.P.No.3 joined in the same rank/cadre as Village Forest Worker (VFW) in Social Forestry Division of

Dhenkanal in the year 1985. It is agreed at the Bar that O.P. No.3 while working as VFW, got appointment as Forest Extension Officer became Senior Forest Extension Officer in the year 2009 and Forest Extension Supervisor in the year 2011.

7. Learned counsel for the petitioner submits that the petitioner joined on the same day as VFW, got promoted as Dy. Ranger in the year 2014 and Forest Ranger in the year 2020 and Forest Extension Supervisor and Forest Ranger being in the same rank, petitioner had to wait for nine years to become a Forest Ranger in 2020.

8. Learned Standing Counsel submits that the petitioner got promotion in a different promotional channel and may not have any grievance.

9. Learned counsel for the petitioner submits that he has still one year left in service and may be entitled for any notional benefit if his case is considered favourably by the authorities for which he shall approach the authority by making a representation.

10. Having considered the facts as advanced at the Bar by the learned counsel for the parties, the writ petition is disposed of with the following order :

11. The petitioner, if so advised, shall make representation afresh, before the appropriate authority for consideration of his grievance regarding career progression/promotion with respect to the date he is entitled to, the same shall be considered by the authority as expeditiously as possible preferably within a period of four months from the date of communication of the certified copy of this order enclosing the copies of the earlier representation(s) and all the

relevant documents sought to be relied upon by the petitioner.

12. The authority shall communicate to the petitioner the result of the consideration within two weeks.

13. However, it is clarified that this Court has not expressed any opinion on the merits of the case, in any manner whatsoever.

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

Copy of the order be uploaded in the website.

(M.S.Sahoo)
Judge



dutta