

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29985 of 2022

Sanjaya Kumar Panda and others ***Petitioners***
Mr. Dayananda Mohapatra, Advocate

-versus-

Orissa Lift Irrigation Corporation, ***Opposite Parties***
Bhubaneswar and others

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.Dayananda Mohapatra, learned counsel for the Petitioners. Perused the writ application and the documents annexed to it. Learned counsel for the Petitioner also files some documents obtained under RTI Act including the note sheet of the Corporation.
3. The present writ application has been filed with the following prayer:

“The Petitioners, therefore, most humbly pray that this Hon’ble Court be graciously pleased to issue rule Nisi calling upon the Opposite Parties to show cause as to why there shall not be a direction to accord promotion to the Petitioners against the 5 numbers of existing vacancies arose consequent upon retirement of assistant Executive Engineers in the cadre and recommendation made by the DPC in Annexure-1 with immediate effect so as to ensure them at least one promotion in their career and as to why the Opposite Parties shall not be directed to immediately act in consonance with the

recommendation of DPC for promotion of the Petitioners with consequential benefits within a stipulated time fixed by this Hon'ble Court.

If the Opposite Parties fail to show cause or show insufficient cause to make the said rule absolute by issuance of an appropriate writ(s), order(s), direction(s) as this Hon'ble Court may deem fit and proper;

And/or to pass such further order(s), direction(s) as this Hon'ble Court deems fit and proper under the facts and circumstances of the present case.”

4. It is submitted by Mr. Mohapatra, learned counsel for the Petitioners that for promotion to the post of Assistant Executive Engineer, a gradation list was prepared. The D.P.C. recommended the case of deserving candidates for promotion. It is also submitted by the learned counsel for the Petitioners that in the gradation list promotion has been given up to sl.no.69. Further, drawing the attention of this Court to the recommendation of the DPC, learned counsel for the Petitioners submits that on the basis of the proceeding held on 26.05.2022, it is submitted that the D.P.C. has observed that the Committee decided that the consequential vacancies arising in the current year will be filled up as per the seniority in the final gradation list published. In such view of the matter, learned counsel for the Petitioners further submits that the Petitioners who stand at sl.no.70,66,71,69 and 67 respectively are eligible to get promotion to the post of Assistant Executive Engineer and he further submits that at present there are five numbers of post of Assistant Executive Engineer are lying vacant in the corporation. This fact is evident from the Note Sheet obtained under the RTI Act by the learned counsel for the Petitioner. It is further contended by the learned counsel for the Petitioner that the Petitioners have already approached the authority

ventilating their grievance by filing a representation under Annexure-4 series, but the same is stated to be pending before the Managing Director, OLIC, Opposite Party No.2.

5. Considering the prayer of the Petitioners, this Court deems it proper to dispose of the writ application at the stage of admission by directing Opposite Party No.2 to act on the basis of the recommendation made by the D.P.C. under Annexure-4 series and in the event the Petitioners are found suitable/eligible then they be considered for promotion to the post of Assistant Executive Engineer within a period of six weeks from the date of production of certified copy of this order if there is no other legal impediments.

6. With the aforesaid observation, the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

