

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30023 of 2022

Bijaya Kumar Acharya

.....

Petitioner

Ms. B.K. Pattnaik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, SC, S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

01.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. B.K. Pattnaik, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to consider his case for promotion to the post of Head Clerk w.e.f. 01.11.2011 with all financial and consequential benefits, as per the order dated 02.01.2017 passed in OJC No. 9961 of 2000.

4. Ms. B.K. Pattnaik, learned counsel for the petitioner contended that since the benefit in terms of the order passed by this Court has not been extended, the petitioner has approached this Court by filing the present writ petition seeking direction to the opposite parties to consider his representation under Annexure-6 within a stipulated time.

5. Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department contended that the benefit as due and admissible to the petitioner in terms of the order dated 02.01.2017 passed in OJC No. 9961 of 2000 has already been extended to him. Thereby, the relief claimed in the present writ petition cannot be granted to the petitioner, even though he makes innocuous prayer for disposal of his representation.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner had earlier approached this Court by filing OJC No. 9961 of 2000, which was disposed of vide order dated 02.01.2017, by which it has been held that in view of the gradation list published on 18.06.2009, the petitioner is entitled to get promotion from the date when his juniors were given promotion to the post of Senior Clerk. In compliance of the said order, the petitioner was promoted, vide order dated 02.05.2017 under Annexure-3, w.e.f. 01.11.1997 in the pre-revised scale of pay of Rs.1200-30-1560-EB-40-2040/- with usual D.A. and other allowance as admissible from time to time, along with all consequential service and financial benefits was also provided to him, as per the order of this Court. Thereafter, he was also granted the benefit of promotion to the post of Head Clerk, vide order dated 16.02.2019 under Annexure-5.

7. In the above view of the matter, the relief sought having been granted to the petitioner, now by way of filing the representation to consider the same, the petitioner cannot reopen the matter once again seeking antedating his date of promotion. Once the matter has been adjudicated and decided and, as such, the order has been implemented, now at this stage, the petitioner cannot reopen the same by way of filing the representation.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

Ashok

(DR. B.R. SARANGI)
JUDGE