

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.30079 of 2022**

***Niroda Nalini Dash***

....

***Petitioner***

*Mr.Manmaya Kumar Dash, Advocate*

*-versus-*

***State of Odisha and another***

....

***Opposite Parties***

*Mr.N.K.Praharaj, A.G.A.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**21.11.2022**

**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:

“Petitioner therefore most humbly prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi calling upon the Opposite Parties to show cause as to why Petitioner shall not be placed at serial No.293 in the gradation list dated 16.12.2021 as at Annexure-3 by antedating the promotional order with retrospective effect from the year 2016 with all consequential benefits. If the Opposite Parties fail to show cause or show insufficient cause, the Hon’ble Court be pleased to issue a writ in the nature of Mandamus directing the State Opposite Parties to revise the Provisional Gradation List at Annexure-3 and be pleased to direct, to antedate the promotion of the Petitioner as against the year wise vacancies from the year 2015-16. And/or may pass such other writ/writs, order/orders, direction/directions as this Hon’ble Court may think fit and proper for the ends of justice. And for this act of kindness the Petitioner as in duty bound shall ever pray.”

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

while preparing the gradation list and fixing the seniority the authority has not taken note of the order passed by the learned Tribunal under Annexure-1 i.e. O.A.No.955 (C) of 2015 and batch of other original applications which was disposed of by decision dated 22.02.2017. The Gradation List has not been finalized in terms of the order passed by the learned Tribunal. Being aggrieved by the provisional gradation list the Petitioner has submitted her representations which are annexed as Annexure-7 series. It is stated that the same is pending before the authority for consideration, however no decision has been taken on that as yet.

5. Learned Additional Government advocate on the other hand submits that since the objection to the provisional gradation list is pending before the competent authority, let the competent authority take a decision within a stipulated period of time in accordance with law.

6. Considering such submission, the Petitioner is directed to approach the Opposite Party No.1 along with certified copy of this order within three weeks from today. In the event the Petitioner approaches the authority along with certified copy of this order, the Opposite Party No.1 shall do well to consider the same by taking into consideration the order passed by the Tribunal in O.A.No.1051(C) of 2015 vide its order date 22.02.2017 and pass necessary order giving reasons within a period of six weeks and the same be communicated to the Petitioner within 10 days thereafter.

7. With the aforesaid observation the writ application stands disposed of.

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

*Judge*

