

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30131 of 2022

Bijay Kumar Sethi

....

Petitioner

Mr. Prasanna Kumar Sahoo, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.P.K.Rout, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
 3. The present writ application has been filed for a direction to Opposite Party No.1 to give promotion to the Petitioner as persons who are junior to the Petitioner have been given promotion in the meantime as Assistant Executive Engineer (Civil).
 4. It is submitted by the learned counsel for the Petitioner that although the Petitioner is eligible for promotion, the Departmental authorities are not considering his case for promotion. He further contends that while ignoring the case of the Petitioner for promotion the Departmental Authority convened a D.P.C. and persons who are junior to the Petitioner have been given promotion to the rank of Assistant Executive Engineer (Civil). Therefore, it is submitted by

the learned counsel for the Petitioner that the conduct of the Opposite Parties are violative of principle enshrined in Articles 14 & 16 of the Constitution of India. It is further submitted by the learned counsel for the Petitioner that ventilating his grievance, the Petitioner has approached the authority by filing a detailed representation before the Opposite Party No.1 on 20.08.2022 under Annexure-11 and the same is stated to be pending before the Opposite Party No.1 and no decision has been taken as of now.

5. Learned Additional Government Advocate, on the other hand submits that since the representation pending before the Opposite Party No.1, let the Opposite Party No.1 be directed to consider the representation within a stipulated period of time in accordance with law.

6. Considering the rival contentions of the learned counsel for the respective parties and further in view of the fact that the Petitioner has already approached the Opposite Party no.1 vide his representation dated 20.08.2022 under Annexure-11 the Petitioner is directed to approach the Opposite Party No.1 along with certified copy of this order. In the event the Petitioner approaches the Opposite Party No.1, the Opposite Party No.1 shall do well to consider the representation of the Petitioner in accordance with law taking into consideration the fact that the persons who are junior to the petitioner have already been given promotion in the meantime and shall take a decision by passing a speaking and reasoned order within a period of eight weeks from the date of production of certified copy of this order. The decision so taken on the representation of the Petitioner be communicated to the Petitioner within two weeks thereafter.

7. It is made clear that in the event the Opposite Party No.1 is of

the opinion that the Petitioner is deserved to be promoted then a DPC/Review DPC be convened to consider the case of the Petitioner and necessary follow up action shall be taken by the Departmental Authority.

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

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

RKS

(*A.K. Mohapatra*)
Judge

