

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 2913 of 2013

Harish Chandra Patra

....

Petitioner

Mr. B.K.Ghadei, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. P.K.Rout, AGA

**CORAM:
JUSTICE M.S.SAHOO**

ORDER

30.06.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 6.12.2021 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that the Original Application was presented on 27.8.2013. On 23.9.2013 the petitioner was granted liberty to implead persons who have got promotion to the next higher posts and juniors to the petitioner as parties to the O.A. It is submitted by learned counsel for the petitioner that despite his best efforts, the matter could not be listed again and was never taken up for admission by the learned Tribunal nor notices were issued.
4. It is further submitted by the learned counsel for the petitioner that long pendency has not helped the petitioner in any manner as he is in the verge of retirement on attaining the age of superannuation as he was about 53 years in the year 2013.
5. Learned counsel submits that the petitioner may be permitted to move the authority for redressal of his grievance.

6. Learned AGA submits that Annexures to the writ petition particularly Annexure-2 series at page 13 would show that the petitioner was duly considered for promotion. However, in all likelihood because of physical standards i.e., height being 160 cms, he was not given promotion.

7. In response, learned counsel for petitioner submits that the Government has power to relax the physical standards for promotion more so as it is a matter of career progression and the petitioner has stagnated in his existing post without getting promotion and it is a fit case where the authority can exercise their discretion to relax the physical standards.

8. Learned counsel for the petitioner further refers to representations annexed to the writ petition as Annexure-3 series and submits that whether the representations have yet been disposed of or not, he has no up-to-date instruction.

9. It is submitted by learned AGA that any representation that would be made shall be considered in accordance with law by the authority and shall be disposed of in due time.

10. Having heard learned counsel for the parties, the writ petition is disposed of with the following directions :

The petitioner if so advised, shall make representation afresh to the appropriate authority for consideration of his grievance regarding exercise of discretion to condone the physical standard by the authority for getting promotion to the post of Forester from the post of Forest Guard within a period of three weeks.

The authority shall consider the representation along with earlier representation of the petitioner and documents

sought to be relied upon by the petitioner in accordance with law and dispose of the same as expeditiously as possible within a period of eight weeks from receipt of certified copy of this order along with representation(s) of the petitioner and the documents.

The authority shall communicate the petitioner his decision that would be rendered within two weeks.

The petitioner shall have the liberty to take appropriate follow-up action pursuant to the decision of the authority.

It is clarified that this Court has not expressed any opinion regarding merits of the case in any manner whatsoever.

(M.S.Sahoo)
Judge

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