

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.4181 of 2012

Bichhanda Kumar Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.10.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for Petitioner and learned Counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed with the following prayer:-

“(i) To pass appropriate orders by quashing the final gradation list dt.16.11.2012 vide Annexure-4.

“(ii) To pass appropriate orders by directing to the respondents to prepare the gradation list of the Senior Clerks afresh and keep the applicant’s name above Sri Dayalal Bag and Rameswar Majhi.

“(iii) To pass appropriate order / orders as deem fit and proper in the facts and circumstances of the case and allow the case with cost.

“(iv) And for this act of kindness, the applicant shall as in duty bound, ever pray”.

4. It is submitted that the Petitioner even though filed an objection to the provisional gradation list published under Annexure-2, but without considering the same the final gradation list was published under Annexure-4 by placing the juniors to the Petitioner above him in the said gradation list.

5. Accordingly, it is submitted that necessary direction be issued to correct the said gradation list issued under Annexure-4.

6. A counter affidavit has been filed by the Opposite Party Nos.1 and 2. In the said counter, it has been submitted as follows:-

“ In this regard it is to state here that zonal gradation list of Sr. Clerks are prepared basing on the gradation list made district wise. Rules-16 of Orissa Treasury Ministerial Services (Method of Recruitment and Conditions of Service) Rules, 2000 (OTMS Rules 2000) indicates the provision / modalities for fixation of inter-se-seniority of Sr. Clerk to be fixed basing on the date of promotion in the same cadre. Promotion of Sr. Clerk working in different Treasuries / Spl. Treasuries/Sub-Treasuries to the next higher grade is being made out of the gradation list of Sr. Clerk prepared on zonal basis. No deviation has been made in fixation of inter-se Seniority. Therefore, fixation of inter-se-seniority of Junior persons above the applicant does not arise. Similarly, the contention of the applicant that the zonal gradation has been prepared with malafide intervention is baseless”.

7. Even though the counter affidavit has been served on the learned counsel for the Petitioner on 08.03.2022, but no reply has been filed disputing the stand taken in the counter affidavit.

8. In view of such factual position as made in the counter, the prayer made in the Writ Petition cannot be entertained.

9. Accordingly, the Writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge