

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4223 of 2012

Dillip Kumar Pradhan

.....

Petitioner

Mr. P.K. Mohanty, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. M. Balabantaray, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

21.02.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Mohanty, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel for State.

3. The petitioner files this writ petition assailing the order under Annexure-10 dated 20.01.2012 by which the grievance of the petitioner has been rejected in compliance to the order dated 20.09.2011 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 3082 of 2011.

4. As it appears the petitioner claims for appointment as a Pump Driver taking into consideration his past experience.

5. Mr. P.K. Mohanty, learned counsel for the petitioner states that since the petitioner has already gained experience, he should have been given regular appointment as Pump Driver, as the persons who were appointed in the year 1996 and 1997 were given regular appointment in the meantime.

6. Mr. Balabantaray, learned Standing Counsel for the State contended that since the regular post has been filled up by following due procedure, the petitioner had to come through the process of selection and in the meantime the petitioner has already attained the age of 42 years and as such, he is not eligible for consideration.

7. Having heard learned counsel for the parties and after going through the record, it appears that the petitioner claims for appointment as a Pump Driver taking into consideration his past experience. But for the purpose of selection of Pump Driver, the Notification of Vacancies Act, 1959 and the Resolution dated 27.04.1992 of the Government in Labour and Employment Department has to be taken into consideration. As such, the claim of the petitioner to give him appointment as Pump Driver cannot be made de hors of the Act and the guidelines issued by the Government itself. In any case, since the petitioner has earned some experience in the event, any vacancy arises in future and to that extent the advertisement is issued, the petitioner's case may be considered in accordance with law, subject to the eligibility criteria satisfied by the petitioner.

8. With this observation, the writ petition stands disposed of.

Arun

(DR. B.R. SARANGI, J.)

