

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3916 of 2011

Nilamani Sethi

....

Petitioner

Mr. U.K. Samal, Advocate

-versus-

State of Odisha

....

Opposite Part

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. U.K. Samal, learned counsel for the Petitioner and Mr. K.K. Nayak, learned counsel for the State.
3. Mr. Samal, learned counsel for the Petitioner fairly submits that the Petitioner has retired from service in the meanwhile on attaining the age of superannuation. He further submits that the Petitioner claims parity in getting the service benefits as has been given to another similarly placed person, namely, Bhramarbar Sethy. Petitioner and Bhramarbar Sethy were similarly placed and they had completed training in the year 1983 at the same time and that said Bhramarbar Sethy has been given promotion to the post of Agriculture Overseer and the Petitioner had not been given promotion. He further submits that service benefits accruing to Petitioner on notional promotion be given to the Petitioner as has been extended to Bhramarbar Sethy. He also submits that a direction may be given to the Opposite Parties to re-fix the seniority of the

Petitioner from 1983 and give notional promotion to the Petitioner retrospectively from 2001 and pay the consequential benefits attached to the post of Agriculture Overseer. The case of the Petitioner be considered and the service benefit as attached to the promotional post should be given to him within a stipulated period of time.

4. Mr. K.K. Nayak, learned counsel appearing for the State submits that he has no objection, if a direction is given to the Director, Agriculture and Food Production, Odisha, Bhubaneswar-Opposite Party No.2 to consider the case of the Petitioner as to whether the Petitioner is similarly placed with Bhramarbar Sethy and as to whether he is eligible to get the same benefit? He further submits that a direction may be given to the Petitioner to file a representation before the Opposite Party No.2, which shall be considered in accordance with law within a stipulated period of time.

5. In such view of the matter, this Court instead of keeping this matter pending, which was filed in the year 2011, disposes of the writ petition with a direction to the Director, Agriculture and Food Production, Odisha, Bhubaneswar-Opposite Party No.2 to consider the case of the Petitioner keeping in view the case of Bhramarbar Sethy. In the event it is found that Petitioner is similarly placed, then the Opposite Party No.2 shall give notional promotion to the Petitioner and the consequential service benefits be paid within a period of three months from the date of filing of such representation along with a certified copy of this order. It is needless to mention here that the representation of the Petitioner shall be considered by passing a speaking and a reasoned order on the same. The decision taken on the same shall be communicated to the Petitioner within a

period of ten days thereafter.

6. It is made clear that the Court has not expressed any opinion on the merits of the case.

7. With the aforesaid observation, the writ petition is disposed of.

8. Urgent certified copy of this order be granted on proper application.

Jagabandhu

(A.K. Mohapatra)
Judge

