

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4464 of 2011

Sudhansu Kumar Mohapatra* *Petitioner

Mr. S.D. Routray, *Advocate*

-versus-

State of Odisha & Ors.* *Opp. Parties

Mr. S. Jena, *Standing Counsel*
(*School & Mass Education*)

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

Order No.

**ORDER
15.02.2022**

01.

This matter is taken up through hybrid mode.

The writ petition has been registered before this Court on 25th November, 2021 after having been transferred from the learned State Administrative Tribunal (SAT), Cuttack Bench, Cuttack on account of abolition of the learned SAT.

The petitioner who has stated to be working as a Peon in Rambha High School, Rambha in the district of Ganjam, has prayed for a direction to the opposite party/authority to grant him the benefit of seniority in service by taking into account the period spent by him as an Attendant, so also grant him other benefits like promotion.

Learned counsel for the petitioner relies upon the decision rendered by this Court on 09.08.2021 disposing of WPC(OAC) No.4456 of 2021. This Court vide said order dated 09.08.2021, directed the authorities to consider the case of the petitioner therein in accordance with law and

also in the light of the judgment dated 28.09.2015 of the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3251 (C) of 2011 (Pratap Chandra Mallick vrs. State of Orissa & others), which was confirmed vide order dated 13.07.2018 by this Court in W.P.(C) No.23678 of 2017 dismissing the challenge made by the State.

It is further submitted by the learned counsel for the petitioner that the authorities may be directed to consider the case of the present petitioner in a similar manner.

Mr. Jena, learned Standing Counsel submits that if the authorities are granted liberty to consider the case of the petitioner, they shall do so in accordance with law.

Having heard learned counsel for the parties and considering the submissions and the pleadings, the writ petition is disposed of with the following order:-

The petitioner, if so advised, shall make representation afresh stating his claim in detail along with the relevant documents sought to be relied upon by the petitioner and with the copies of the judgments that may be relied upon before the appropriate authority.

The appropriate authority on receipt of such representation, shall do well to consider the claim of the petitioner and pass necessary orders in accordance with law as expeditiously as possible, preferably within a period of three months from the date of communication of the certified copy of this order along with other documents sought to be relied upon by the petitioner.

The order that would be passed by the authority shall be communicated to the petitioner within two weeks.

It is needless to emphasise that if the authority comes to the conclusion that the petitioner is entitled to get the

benefits as sought for, further steps shall be taken to extend those benefits to the petitioner.

Issue urgent certified copy as per rules.

(M.S. Sahoo)
Judge

RJ

