

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31220 of 2022

Debasis Mohanty

.... Petitioner
Mr. K.C. Sahu, Advocate

-versus-

State of Odisha and others

.... Opp. Parties
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
23.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard the learned counsel for the Petitioner and the learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the record.
3. This writ petition has been filed by the Petitioner challenging the inaction of the authorities in not considering the case of the Petitioner for promotion to the rank of Assistant Executive Engineer.
4. It is submitted by Mr. K.C. Sahoo, learned counsel for the Petitioner that the Petitioner was initially appointed as a Junior Engineer on 09.09.1991 by Works Department under the Opposite Party No.1. Thereafter, he was sent on deputation to the Rural Development Department under Opposite Party No.2. However, during his service, a departmental proceeding was initiated against him in the year 2015. Moreover, the said proceeding was terminated in imposing minor penalty on the Petitioner. It is further submitted that by the time the DPC was convened, final order of the disciplinary authority was available. The case of the Petitioner was

considered in the DPC. So far the case of the Petitioner is considered, it is stated that his case has been kept in a sealed cover due to pendency of the aforesaid disciplinary proceeding. Furthermore, it is submitted that the disciplinary proceeding has come to an end in the meantime by imposing minor penalty. Therefore, the authority concerned be directed to open the sealed cover and give effect to the DPC recommendation in respect of the Petitioner.

5. It is alleged by the learned counsel for the Petitioner that in the process, some of the Petitioner's batchment and his juniors under Annexure-8 have been given promotion to the post of Assistant Executive Engineer without considering the case of the Petitioner.

6. It is further contended by the learned counsel for the Petitioner that being aggrieved by such action of the authority, the Petitioner has approached the authority by filing representations under Annexure-9 Series, but no decision on the same has been taken as of now.

7. Learned Additional Standing Counsel appearing for the State- Opposite Parties, on the other hand, submits that since the Petitioner has approached the authority by filing representation and the same is pending, the matter can be disposed of by directing the authority to consider the case of the Petitioner in accordance with law within a stipulated period of time.

8. Considering the submission of the learned counsel for the respective parties as well as on perusal of the record, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.1 to consider the representation of the Petitioner under Annexure-9 Series within a period of six weeks from the date of production of certified copy of this order by the Petitioner. It is also directed that in the event it is found after opening the sealed

cover the Petitioner has been recommended for promotion, then the same shall be done within a period of four weeks thereafter and the Petitioner be given promotion subject to recommendation of the DPC. It is needless to mention here that the promotion of the Petitioner shall take effect from the date his batchment and juniors were given such promotion.

9. With the aforesaid direction and observation, the writ petition stands disposed of.

(*A.K. Mohapatra*)
Judge

Debasis

