

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.1510 of 2019

Pradeep Kumar Das

.... Petitioner

-versus-

State of Odisha

.... Opposite Party

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
11.10.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Party.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) To direct the State respondents to upgrade the applicant to the post of Superintending Engineer w.e.f. 8.3.2019 by granting him all consequential service and financial benefits looking at this seniority and present position as Executive Engineer without prejudice his claim for promotion to the post of Superintending Engineer retrospectively from the year 2017 when his juniors got such promotion with all consequential service and financial benefits by opening the sealed cover containing the recommendation in his respect by the DPC held in the year 2017.

(ii) To quash / modify the clause-6 of the Resolution dtd. 8.3.2019 containing the stipulation “exclusion of persons considered unsuitable” and be pleased to direct the State respondents to fill upgraded posts of Superintending Engineer exclusively by way of up gradation simplicitor without adopting any process of promotion.

(iii) To quash the stipulation at clause No.5 making the post of Executive Engineer and Superintending Engineer to be interchangeable to function in Divisions declaring the same to illegal, arbitrary and downgrading the status of Superintending Engineers from Circle cadre to that of Division cadre in violation to the OPWD Code.

(iv) To grant the applicant al consequential services”.

4. Considering the submission made and without expressing any opinion on the merits of the case, the Petitioner is directed to make fresh representation before the Opposite Party by enclosing all the relevant documents and citations in support of his claim, if any, within a period of one week hence.

5. It is observed that if such a representation is filed within the aforesaid period, the Opposite Party shall do well to dispose of the representation within a period of one month. The decision so taken by the Opposite Party be communicated to the Petitioner within that time.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat