

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31748 of 2022

Shyama Sundar Sahu

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“In view of the aforesaid facts and circumstances of the case, this Hon’ble Court may graciously be pleased to:

- i) To quash the promotion of Opposite Parties No.5 to 23.*
- ii) To direct the Opposite Party No.1 to 4 to promote the petitioner to the post of Forester from the date when his juniors have got promotion and grant all financial*

and consequential benefits.

- iii) To direct the Opposite Party No.1 to 4 to correct the gradation list of Forest guards and fix the seniority above the Opposite Parties No.5 to 7.*
- iv) Pass such order/orders as deem fit and proper.”*

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has filed representation dated 14.10.2022 before the Opposite Party No.1 under Annexure-8, but the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

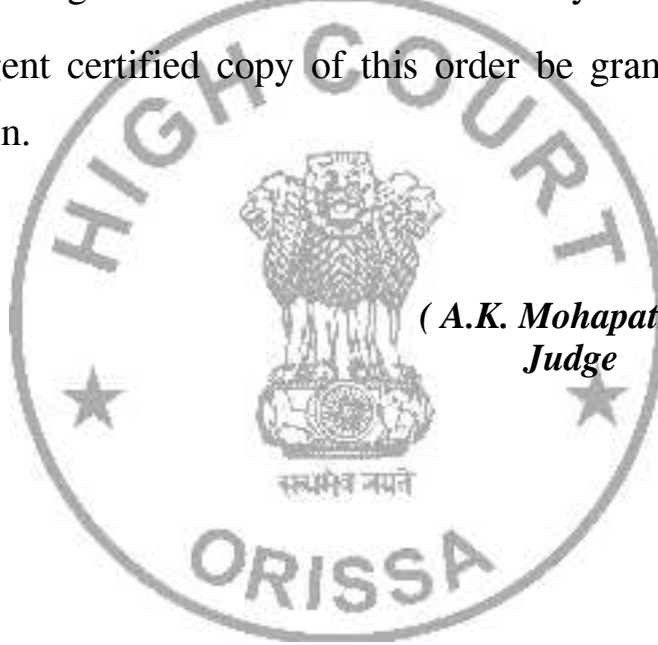
5. Learned counsel for the State submits that he has no objection, if a direction is given to the authority concerned to consider the representation of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties and without expressing any opinion on the merits of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.1 to consider the representation of the Petitioner dated 14.10.2022 under Annexure-8 in accordance with law within a period of six weeks from the date of production of certified copy of this order. It is needless to mention here that the representation of the Petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the Petitioner within a

period of two weeks thereafter. In the event the Petitioner is found eligible for promotion, then the Opposite Party No.1 shall do well to place the matter before the next DPC, which is likely to convene very soon, as submitted by the learned counsel for the Petitioner. It is made clear that after consideration the representation of the Petitioner, if any alteration in the seniority of Opposite Party No.5 to 23 is required, the Opposite Party No.1 shall do well to provide an opportunity of hearing to all such Opposite Parties before taking any final decision in the matter with regard to alteration in the seniority of the employees.

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

(*A.K. Mohapatra*)
Judge



Debasis