

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32117 of 2022

Shyam Prakash Rout & another ***Petitioners***
Mr.Mahendra Ku.Sahoo, Advocate

-versus-

State of Odisha & others ***Opposite Parties***
Mr.N.K.Praharaj, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
30.11.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate for the State. Perused the writ application and the documents attached to it.
3. The Petitioners have filed the present writ application with the following prayer:

 “Under the above facts and circumstances of the case, it is humbly prayed that this Hon’ble High Court be pleased to allow this writ application by granting following reliefs:

- a) A writ of mandamus or an appropriate writ be issued directing the Opp.Parties to consider and give promotion to the Petitioners to the promotional post of Sr.Laboratory Assistant as existing from the beginning with all financial benefits at par with others (those have been given promotion under Annexure-6 & 7 series) following the principles of law laid down by the Hon’ble Apex Court in the case of Food Corporation of India and

others v/s Parashottam Das Bansal and others reported in **(2008) 5 SCC page 100** and in the case of State of Tripura & others v/s K.K.Ray reported in (2004) 9 SCC Page-65 within a stipulated time.

- b) Any other order/orders or direction/directions may be issued so as to give complete relief to the Petitioner in the given facts and circumstances of the case as this Hon'ble High Court deem fit and proper."

3. It is submitted by the learned counsel for the Petitioners that although Petitioners are eligible to be promoted to the post of Senior Laboratory Assistant from the existing post of Junior Laboratory Assistant, their cases have not been considered by the authority. It is also submitted by the learned counsel for the Petitioners that persons who are similarly situated with the Petitioners have been given promotion in the meantime ignoring the case of the Petitioners. In this connection, learned counsel for the Petitioners draws the attention of this Court to Annexures-6 & 7 series. In such view of the matter, learned counsel for the Petitioners submits that they have approached to the Additional Chief Secretary, Water Resources Department, who is the head of WALMI by filing a representation on 03.08.2022. It is further contended that the same is pending and no decision has been taken as of now. Further, learned counsel for the Petitioners relying upon the judgment of the Hon'ble Supreme Court in **Food Corporation of India & others-v.-Parashotam Das Bansal and others** reported in **(2008) 5 SCC page 100** and in the case of **State of Tripura and others –v.-K.K.Ray** reported in **(2004) 9 SCC Page 65** submits that two promotional posts of Senior Laboratory Assistant against are available in which the Petitioners' case should have been considered in view of the law laid down by the Hon'ble Supreme Court in the aforesaid two judgments.

4. Considering such submission of the learned counsel for the

parties, this Court deems it proper to dispose of the writ application without expressing any opinion on the merits of the matter by directing the Opposite Party No.1 to consider the representation of the Petitioners in accordance with law and to make endeavour to dispose of the same as expeditiously as possible preferably within a period of six weeks from the date of production of certified copy of the order. Let the Petitioner approach the Opposite Party No.1 along with certified copy of this order within two weeks . The decision so taken by Opposite Party No.1 be communicated to the Petitioners within two weeks thereafter.

5. With the aforesaid observation the writ application stands disposed of.

6. Issue urgent certified copy of this order as per Rules.

RKS

