

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34309 of 2022

Dr. Chandra Shekhar Hota and others ***Petitioners***

Mr. B. Mohapatra, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioners with the following prayers:

“It is therefore, most humbly prayed that prayed that this Hon’ble Court may graciously be pleased to admit the writ petition, issue notice to the opposite parties to show cause as to why the year of advertisement shall not be taken into account for determining inter-se seniority.

And/or Alternatively direct the opposite no.1 to consider the representations of the petitioners, vide ANNEXURE-6 series taking into consideration of Annexure-8 and keeping in view the ratio decided in the case of Union of India versus NR Parmar (2012) 13 SCC- 340 and accordingly amend the final gradation list published on 01.09.2021.

And/or further be pleased to pass any other order(s)/direction/directions having regard to the fact and circumstances of this case.”

4. It is submitted by learned counsel for the petitioners that although the petitioners have filed representation under Annexure-6 series before the Additional Chief Secretary to Government, Home Department-Opposite Party No.2, the same is still pending before the said Opposite parties and the said Opposite Parties have not taken any decision as of now.

5. Considering the submissions made, the limited nature of grievance of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Additional Chief Secretary to Government, Home Department-Opposite Party No.2 to consider the representations of the petitioner under Annexure-6 series in the light of *Union of India vrs. NR Parmar* : reported in (2012) 13 SCC-340 and taking into consideration Annexure-8 after providing opportunity of hearing to the petitioners, within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioners 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 petitioners within a period of two weeks thereafter.

6. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application in course of the day

(*A.K. Mohapatra*)
Judge