

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35168 of 2022

Rikhiram Chandrakar

....

Petitioner

Mr. Satyajit Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P.Tripathy, A.G.A.

**CORAM:
JUSTICE A.K. MOHAPATRA**

Order No.

**ORDER
23.12.2022**

01. . This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate. Perused the writ application and the documents annexed thereto.
3. The present writ application has been filed by the petitioner with the following prayer:

”It is, therefore, prayed that this Hon’ble Court may graciously be pleased to consider the facts stated in the petition, admit the writ petition, issue notice to the Opposite Parties, calling upon them to show cause as to why the writ petition shall not be allowed if they fail to show cause or show insufficient cause this writ petition may kindly be allowed thereby directing the Opposite Party No.2 i.e. Director ST & SC Development Department, Odisha to dispose of the departmental proceeding Memorandum No.11270/SSD dated 05.07.2019 within a stipulated period and further direct the Opposite Parties to promote the Petitioner to the post of Panchayat Executive Officer and

grant all notional service benefits in his favour for greater interest of justice.

And may pass any other order/orders, direction/directions as this Hon'ble Court may deem fit and proper;"

4. It is submitted by the learned counsel for the Petitioner that Departmental Proceeding is pending against the Petitioner vide Departmental Proceeding No.11270 dated 05.07.2019 is pending for more than three years against the Petitioner. It is also submitted by the learned counsel for the Petitioner that since the said proceeding is pending, the case of the Petitioner is not being considered for the next promotional post. Therefore, the Petitioner approached this Court to quash the Departmental Proceeding and direct the authorities to consider the case of the Petitioner for promotion to the post of Panchayat Executive Officer and grant all notional service benefit in his favour.

4. Learned Additional Government Advocate on the other hand submits that the proceeding is pending before the Departmental Authority. Therefore, interest of justice would be best served if the authorities be directed that even though the Departmental Proceeding is pending the case of the Petitioner can be considered to the next higher post.

5. Considering the aforesaid submissions made by the learned counsel for the respective parties, the this Court deems it proper to dispose of the writ application at the stage of admission without going into the merits of the case by directing the Opposite Party No.2, Director, ST & ST development Department, Odisha to conclude the departmental Proceeding vide Memo No.11270 dated 05.07.2019 within a period of two months from the date of production of certified copy of this order, failing which it will be

deemed that the proceeding has been dropped and the authority shall proceed to consider the case of the Petitioner for promotion to the next higher post. In the event the proceeding is pending, the same is to be finalized within two months. Depending upon the result of the proceeding the case of the Petitioner for promotion to the next higher post shall be considered expeditiously by the authority.

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

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

RKS

