

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1016 of 2021

Prakash Chandra Majhi and Others* *Appellants

Mr. Asok Mohanty, Senior Advocate

-versus-

State of Odisha and Others* *Respondents

Mr. M.K. Khuntia, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

21.10.2022

Order No.

03. 1. The limited grievance in the present writ appeal is that the learned Single Judge has, while disposing of writ petition i.e. W.P.(C) No.20356 of 2021 by the impugned order dated 2nd December, 2021; only granted partial relief as far as the Petitioners' prayer to be considered for promotion from the post of Sub-Inspector to the post of Inspector by reducing the eligibility from 10 years to 6 years instead of 6 years and 11 months. It is pointed out that the other prayer in the writ petition viz., challenge to the circular/order dated 8th July, 2021 regarding fixation of seniority has not been considered.
2. It is noticed that the learned Single Judge has as far as the issue of fixation of *inter se* seniority is concerned, "left it open to the parties who are aggrieved to agitate their grievance individually before the appropriate forum, if he/she is so advised."
3. Mr. Asok Mohanty, learned Senior Counsel for the Appellants states that the learned Single Judge ought to have dealt with the said

issue instead of requiring each of Appellants to individually agitate their grievances.

4. It is clarified that it will be open to the eight Appellants before this Court to either individually or collectively file a separate substantive writ petition on the question of *inter se* seniority including challenging the aforementioned order dated 8th July, 2021 but it will be ensured in such petition that the parties likely to be adversely affected if the prayer of the Appellants were to be granted, are impleaded as Opposite Parties. It is further clarified that it will be open to the Appellants to explain in the writ petition the delay and laches on account any of the pendency of the writ petition and the present appeal. Such explanation will be considered on its merits by the concerned Court in accordance with law.

5. The writ appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.