



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13938 of 2024

Prasanta Kumar Manna

....

Petitioner

Mr. S.K. Das, Advocate

-Versus-

TATA Power Northern Odisha
Distribution Ltd., Balasore and others

....

Opposite parties

Mr. B.P. Tripathy, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.06.2024

Order No.

01.

1. Heard learned counsel for the petitioner.
2. Instant writ petition is filed by the petitioner challenging the impugned order under Annexure-9 passed by opposite party No.3 vis-à-vis promotion of private opposite parties to the post of Assistant Manager with consequential relief.
3. Learned counsel for the petitioner would submit that the petitioner was placed above the private parties in Gradation lists as at Annexures-5 and 6, however, it was disturbed in the promotion orders i.e. Annexure-7 series and on a representation i.e. Annexure-8 which was made to reveal that the private opposite parties have been treated as seniority to them, hence, the writ petition.
4. In course of hearing, referring to the decision in **K. Meghachandra Singh and others Vs. Ningam Siro and others (2020) 5 SCC 689**, It is submitted that the petitioners are senior so to say considering the date of entry into service as Management trainees in 2011, whereas, the private opposite parties were promoted in 2012. Hence, it is claimed that the petitioner being senior to the private opposite parties could not have been ignored and placed below the



promotion orders i.e. Annexure-7 series. In view of the above submission, the Court is inclined to consider the response of the opposite parties.

5. Hence, it is ordered.
6. Notice to the opposite parties by Registered Post with AD making it returnable at an early date and for the said purpose, Mr. Das, learned counsel for the petitioner shall file the requisites within next seven days positively.
7. List on 19th July, 2024 for final hearing and orders.

(R.K. Pattanaik)
Judge

02. **I.A. No. _____ of 2024**

1. Heard Mr. Das, learned counsel for the petitioner.
2. Instant I.A. is filed to stay operation of the impugned order under Annexure-9.
3. I.A be registered immediately.
4. Considering the submission of Mr. Das, learned counsel for the petitioner that the further promotion to the post of Manager likely to take place shortly, this Court as an interim measure stays the operation of Annexure-9 till the next date.
5. List on the date fixed.
6. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge