



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.3388 of 2025

Pitambar Murmu

.....

Petitioner

Represented By Adv. -
Saroja Kanta Samal

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
M.R. Mohanty, A.G.A.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

18.03.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
3. The Petitioner has filed the present writ application with the following prayer:

“It is therefore, in view of the above said facts and circumstances, it is humbly prayed that this Hon'ble Court may graciously be pleased to issue notice to the Opp. Parties and call for the proceedings of the DPC held in the year 2022 and 2023 basing on which promotion of Assistant Engineers (civil) of Works Department cadre made to the rank of Assistant Executive Engineer (civil) vide notification no. 13706, dated 29.09.2022 and notification no. 14362, dated 29.08.2023 and upon hearing the parties, this Hon'ble



Court may be pleased to direct the Opp. Parties, more particularly the Opp. Party No.1, to extend the benefit of promotion to the present Petitioner from the date his immediate juniors under ST category got promotion to the rank of Assistant Executive Engineer (civil) vide Works Department Notification No. 13706, dated 29.09.2022, under Annexure-1 and to give all consequential service and financial benefits including revision of pension within a stipulated period.

And pass such order/orders, direction/directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as a Junior Engineer on 10.09.1991. While working as such, the Petitioner was promoted to the post of Assistant Engineer (Civil) on 25.09.2013. Pursuant to order dated 14.09.2021 passed by the Engineer-in-Chief (Civil), Odisha, Bhubaneswar, the Petitioner was transferred and posted in the Vigilance Directorate, Cuttack. Accordingly, the Executive Engineer, Mayurbhanj (R&B) Division relieved the Petitioner on 01.11.2021 thereby enabling the Petitioner to join at his new place of posting in the Vigilance Directorate, Cuttack.

5. Learned counsel for the Petitioner further contended that the Petitioner could not join immediately at the Vigilance Directorate, Cuttack due to his illness. Thereafter, on examination by the Medical Board and after obtaining a medical certificate, the Petitioner resumed his duties on 24.05.2022. While the Petitioner was working at the Vigilance Directorate, Cuttack, a final gradation list of Assistant Engineers was published on 22.06.2022. Learned counsel for the Petitioner at this juncture submitted that although juniors to the Petitioner have been given promotion from the rank of Assistant



Engineers to the rank of Assistant Executive Engineers, the Opposite Parties have not considered the case of the Petitioner for such promotion. While the Petitioner was continuing at the Vigilance Directorate, Cuttack, he was placed under suspension vide order dated 28.11.2022 pending initiation of a Departmental Proceeding. He further contended that although the Petitioner was placed under suspension, however, no Departmental Proceeding has been initiated against the Petitioner as of now. Finally, the Petitioner was reinstated in service on 19.12.2022 and reported for the joining before the Engineer-in-Chief (Civil), Odisha, Bhubaneswar.

6. Again on 06.01.2023, the Govt. of Odisha in the Works Department published another final gradation list of Assistant Engineers (Civil) of Works Department Cadre for the year 2023. Being aggrieved by the aforesaid conduct, the Petitioner has approached the Works Department, Govt. of Odisha by filing a representation on 29.08.2023. He further contended that in the meantime although the Petitioner has retired from service on 30.06.2024, however, the Petitioner has not been given promotion despite his juniors being promoted. Being aggrieved by such conduct, the Petitioner had approached the Opposite Party No.1 by filing a representation on 01.10.2022 under Annexure-15 series which is stated to be pending before the Competent Authority i.e. the Opposite Party No.1. Since no decision has been taken on the representation of the Petitioner and with regard to the Petitioner's promotion to the post of Assistant Executive Engineer at par with his juniors, the Petitioner has approached this Court by filing the present writ application challenging the aforesaid inaction.

7. Learned Additional Government Advocate on the other hand



contended that on a perusal of the writ application it appears that the Petitioner had already approached the competent authority i.e. the Opposite Party No.1. He further submitted that in the event no decision has been taken on the representation of the Petitioner, he will have no objection, if this Court directs the Opposite Party No.1 to take a lawful decision on the representation of the Petitioner within a stipulated period of time.

8. Considering the submissions made by the learned counsels for the parties, on a careful examination of the background facts as well as materials on record, further taking note of the contentions of learned counsel for the Petitioner that the juniors to the Petitioner have been given promotion ignoring the case of the Petitioner and that no Departmental Proceeding was pending when the DPC was convened to consider the case of the Petitioner for promotion and similarly situated other employees, this Court is of the view that there was no impediment in giving promotion to the Petitioner as there was no Departmental Proceeding pending at the time the DPC was considering the cases of the eligible employees for promotion. In such view of the matter, this Court deems it proper to dispose of the writ application at the stage of admission with a direction to the Opposite Party No.1 to consider the grievance of the Petitioner in accordance with law. Accordingly, the present writ application is being disposed of by granting liberty to the petitioner to file a fresh representation taking therein all the grounds along with all supporting documents within two weeks from today before the Opposite Party No.1. In such eventuality, the Opposite Party No.1 shall do well to consider the same in accordance with law within a period of eight weeks and keeping in view the fact that the juniors to the Petitioner



were given promotion ignoring the case of the Petitioner and that there was no Departmental Proceeding pending against the Petitioner at the time the DPC was convened to consider the case of Assistant Engineers for their promotion to the post of Assistant Executive Engineers. It is further directed that the representation of the Petitioner be disposed of by passing a speaking and reasoned order and the final decision so taken by the Opposite Party No.1 shall be communicated to the Petitioner within ten days from the date of taking such a decision.

9. With the aforesaid observations/ directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR
SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 19-Mar-2025 11:06:25