

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.8933 of 2023**

***Dipti Ranjan Sahu and others*** .... ***Petitioners***  
*Ms. Saswati Mohapatra, Advocate*

*-versus-*

***State of Odisha and another*** .... ***Opposite Parties***  
*Mr. Saswat Das, A.G.A.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**Order No.**

**ORDER**  
**31.03.2023**

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate appearing for the State-Opposite Parties. Perused the Writ Petition as well as the documents annexed thereto.
  3. The present Writ Petition has been filed with the following prayer:

“ Under the aforesaid facts and circumstances, it is therefore, prayed that this Hon’ble Court may graciously be pleased to :

- i) direct/order the Opp. Party No.1 to determine the year-wise vacancies of Asst. Labour Officer in the year 2018 and 2019 and thereby anti-date the promotion of the Petitioners for the interest of justice;
- ii) pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.”

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are working as Assistant Labour Officer with effect from the year 2020, however, the Petitioners claim that they should have been promoted with effect from the year 2018. Accordingly, the present Writ Petition has been filed to antedate the date of promotion.

5. In course of argument, learned counsel for the Petitioners relied upon a decision of the Hon'ble Supreme Court in **AIR 2011 Supreme Court 3189** in the matter of **Jagdish Prasad v. State of Rajasthan and others**, which in turn refers to a judgment of the Hon'ble Supreme Court in **Vinod Kumar Sangal –v.-Union of India (1995) 4 SCC 246**. On the basis of the aforesaid two judgments, learned counsel for the Petitioners submitted that the vacancy to the post of Rural Labour Inspector should not have been clubbed together for several years. He further contended that in view of the Rules the DPC should be convened each year and vacancy for each year should have been filled up separately keeping in view the seniority of the officers.

6. Learned Additional Standing Counsel on the other hand submitted that the Petitioners have already approached the Departmental Authority by filing a representation on 25.01.2022 as evident from Annexure-4 to the Writ Petition. He, therefore, submitted that the Opposite Party No.1 be directed to take a decision on the representation of the Petitioners in accordance with law within a stipulated period of time.

7. Considering the submissions made by the leaned counsel for the respective parties and upon a careful consideration of the

background facts of the present case and keeping in view the aforesaid judgments, this Court deems it proper to dispose of the Writ Petition at the stage of admission by directing the Opposite Party No.1 to consider the representation dated 25.01.2022 filed by the Petitioners in accordance with law and keeping in view the principle laid down by the Hon'ble Supreme Court in the aforesaid two cases and take a decision within a period of two months from the date of production of certified copy of this order. The Opposite Party No.1 is further directed to dispose of the representation of the Petitioners by passing a speaking and reasoned order and the decision so taken shall also be communicated to the Petitioners within two weeks from the date of taking such decision.

8. With the aforesaid observation, the Writ Petition stands disposed of.

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

(A.K. Mohapatra )  
Judge