



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1801 of 2024

In the matter of an application under Articles 226 & 227 of the
Constitution of India.

.....

Dr. Pinaki Mohanty

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

For Petitioner : Mr. S. Roy, Advocate

For Opp. Parties : Mr. A. Tripathy,
Addl. Govt. Advocate

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 21.04.2026 & Date of Judgment: 23.06.2026

Biraja Prasanna Satapathy, J.

1. The present writ petition has been filed inter alia with the following
prayer:-

*"It is therefore prayed that this Hon'ble Court may
graciously be pleased to admit the writ petition and issue
Rule "NISI" to the Opp. Parties to show cause as to;*

*(i) Why the impugned adverse remarks made in the PAR for
the year 2021-2022 communicated on 02.06.2023 under*



Annexure-9 in the facts and circumstances of the case will not be declared as illegal and as such liable to be set aside/quash; and

(ii) Why the impugned order dated 03.11.2023 under Annexure-10 passed by the Under Secretary to Govt., GA & PG (SE) Dept. in rejecting the prayer of the petitioner to expunge the adverse remarks made in the PAR for the year 2021-2022 in the facts and circumstances of the case will not be declared as illegal and as such liable to be set aside/quash;

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ /writs and any other order as deem fit be passed;

And for this act of kindness, the petitioner shall as in duty bound ever pray."

2. Learned counsel appearing for the Petitioner while assailing the impugned order dtd.03.11.2023, so issued under Annexure-10 and so also the adverse PAR communicated on 02.06.2023 under Annexure-8, contended that Petitioner vide order dtd.25.07.2020 was transferred and posted as a Sr. Resident in PRM Medical College & Hospital, Mayurbhanj, Baripada.

2.1. It is contended that while so continuing in the establishment of Opp. Party Nos. 4 & 5, Petitioner along with others made a grievance on 20.02.2022 under Annexure-2, before Opp. Party No. 5 with regard to the illegalities and irregularities committed by Opp. Party No. 4.



2.2. Learned counsel appearing for the Petitioner contended that since such a grievance petition was made against Opp. Party No. 4 before Opp. Party No. 5 under Annexure-2, Opp. Party No. 4 issued a show-cause to the Petitioner on 04.06.2022 under Annexure-3. Petitioner on receipt of the show-cause, submitted his reply before Opp. Party No. 4 under Annexure-4. However, on the face of such reply submitted by the Petitioner under Annexure-4, Petitioner was posted to Unit-II of the Surgery Department vide order dtd.07.06.2022 of Opp. Party No. 4 under Annexure-5.

2.3. It is contended that since Petitioner and others raised grievance against Opp. Party No. 4, at the instance of the said Opp. Party, some adverse remark was made in the PAR of the Petitioner for the year 2021-22, and the same was communicated by Opp. Party No. 1 vide letter dtd.02.06.2023 under Annexure-8. The adverse PAR so communicated reads as follows:-

“You have poor attitude towards weaker section and SC/ST categories. You are a Below Average officer.”

2.4. It is contended that even though Petitioner submitted his reply to the adverse PAR on 30.06.2023 vide Annexure-9 and with a prayer to expunge the adverse PAR, but without proper appreciation of the



guidelines governing the field and without assigning any reason whatsoever, prayer of the Petitioner to expunge the adverse PAR was rejected by Opp. Party No. 1 vide his order dtd.03.11.2023 under Annexure-10.

2.5. It is first of all contended that since while rejecting the prayer of the Petitioner to expunge the adverse PAR, no reason has been assigned by Opp. Party No. 1 vide his order dtd.03.11.2023 under Annexure-10, the same is not sustainable in the eye of law, in view of the decisions reported in **2013 (Supp.1) OLR-736** and **2012(1) OLR-87**.

2.6. This Court in Para-8 & 10 of the said judgment reported in **2012(1) OLR-87** has held as follows:-

“8. Admittedly, the aforesaid order does not contain any reason for rejecting of the bid and cancellation of the tender. Law is no more res integra that an authority must pass a reasoned order indicating the material on which its conclusion are based.

*10. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same it becomes lifeless. [See **Raj Kishore Jha v. State of Bihar** (2003) 11 SCC 510]”.*

2.7. This Court in Para-13 of the said judgment reported in **2013 (Supp.1) OLR-736** has held as follows:-

“13. After giving our anxious hearing to the matter and keeping in mind the position of law and the CCA Rules, we are constrained to hold that the learned Tribunal failed to exercise its jurisdiction in the matter.



The impugned order of the Tribunal smacks of application of judicial mind and conscience. It is to be remembered that the reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the Petitioner”.

2.8. It is also contended that the impugned PAR so communicated vide letter dtd.02.06.2023 under Annexure-8, is also not sustainable in the eye of law, in view of the stipulation contained in Para 6 read with Para 12 of the guideline, for recording and maintenance of PARs of Group-A Officers of the Govt. so issued by the G.A. & P.G. Department on 26.04.2006 under Annexure-11.

2.9. It is contended that as provided under Para 6 of the guideline, all such adverse PARs of a particular financial year, is required to be written by 30th April 2026 by the Appraiser, by 30th June by the Reporting Authority, by 31st July by the Reviewing Authority and by 31st August by the Accepting Authority. As provided under Para 12 of the guideline, after receipt of the completed PAR, the G.A. (S.E) Dept. – Opp. Party No. 2 is required to communicate the adverse PAR



directly to the Officer within a period of 2 (two) months of the receipt of the completed PAR.

2.10. Since in the instance case, the PAR for the year 2021-22 was transmitted to the Petitioner beyond the period of 2 (two) months by the Opp. Party No. 2 and the same being contrary to the provision contained under Para 12, the same is not sustainable in the eye of law. Not only that the PAR for the year 2021-22 was not prepared within the time stipulated in Para 6 of the guideline.

2.11. It is also contended that as provided under Para 8 (i) of the guideline, the Reporting Authority/Reviewing Authority while recording remarks in the PARs in the relevant part should sum up their assessment on the work of the officer into one of the following grades, i.e. “outstanding”, “very good”, “good”, “average”, “below average”. The grounds for giving such grades should be clearly brought out in the PARs.

2.12. But in the impugned PAR so communicated on 02.06.2023, nothing was indicated in compliance of Para 8 (i) of the guideline. Not only that as provided under Para 12 (i) of the guideline, PARs after their receipt in the G.A. Department shall be subject to scrutiny and all adverse remarks contained in the earmarked box/space in Part- III, IV



& V should be communicated directly to the officer concerned by the Department within two (2) months of the receipt of the completed PAR. But in the instant case, the same was never followed and the adverse PAR was never communicated within two (2) months of the receipt of the completed PAR. It is accordingly contended that since stipulation contained in the guideline so available under Annexure-11 were never followed, communication of the impugned PAR under Annexure-8 and confirmation of the same vide the impugned order dtd.03.11.2023 under Annexure-10 requires interference of this Court.

2.13. It is also contended that in the PAR so submitted by the Petitioner and enclosed as Annexure-B/2 to the counter, the reporting authority as provided under Para 8(i) of the guideline, never summed up his assessment with any grade. But the reviewing authority on the face of such lacunae of the Reporting Authority, gave the PAR as average and the same was accepted by the Accepting Authority by giving overall grading for the year 2021-22 as average. Accordingly, the adverse PAR for the year 2021-22 was communicated to the Petitioner under Annexure-8. Not only that PAR was never prepared by the Reporting/Reviewing/Accepting Authority within the stipulated time so indicated in Para 6 of the guideline.



2.14. It is contended that since the reporting authority never indicated about the performance of the Petitioner and never indicated any overall grading while submitting his report so available under Annexure-B/2, in absence of the same, PAR of the Petitioner could not have been taken as “average” by the Reviewing Authority as well as by the Accepting Authority.

2.15. It is accordingly contended that the adverse PAR so communicated under Annexure-8 is not only illegal, but also the rejection to expunge the adverse PAR in consideration of the representation, without assigning any reason, vide order dtd.03.11.2023 under Annexure-10.

3. Mr. A. Tripathy, learned AGA on the other hand while supporting the impugned PAR as well as rejection of the prayer of the Petitioner to expunge the same, contended that PAR of the Petitioner for the period 2021-22 was ready for review only after March 2023, as the period from April 2022 to March 2023, includes timeline for transmission of PAR for recording of the remarks by the reporting/reviewing/accepting authority as mentioned in Para 6 of the guideline issued on 26.04.2006 under Annexure-11. It is accordingly



contended that the stand taken by the Petitioner that there is delay with regard to communication of the adverse PAR is not correct.

3.1. It is also contended that since adverse PAR so communicated under Annexure-8, has been upheld with passing of the order under Annexure-10 with due consideration of the reply of the Petitioner so submitted under Annexure-9, no illegality or irregularity can be found either with the adverse PAR communicated under Annexure-8 or the rejection communicated under Annexure-10. Stand taken in Para 15 of the counter affidavit, so relied on by the learned AGA, in support of his aforesaid submission, reads as follows:-

“15. That the averments made in Paragraphs 12 to 14 of the writ petition to the extent that the delay in adverse communication is sufficient to quash the adverse remark are not justified, inasmuch as, in the instant case, the online PARs of 2021-22 were ready for review only after March 2023 as the period from April 2022 to March 2023 includes timelines for transmission of PARs for recording of remarks by Reporting, Reviewing & Accepting Authorities as mentioned in Para-6 of the G.A. (SE) Department PAR guideline issued, vide, Memo No. 1199/PRO dt.26.04.2006 (vide Annexure-11). If no remarks are received within one year from the last date of the financial year to which the PAR relates, it is presumed that no remarks are to be recorded as per Para-11(c) of the G.A. (SE) Department PAR guideline issued, vide, Memo No. 1199/PRO dtd.26.04.2006 (vide Annexure-11). This is indicative of the fact that PARs are ready for review after one



year of the submission by the Govt. employees and hence the allegation that the adverse communication to the petitioner was delayed by more than nine months is purely baseless having no legs to stand on.”

4. To the submission made by the learned AGA, learned counsel appearing for the Petitioner made further contention contending inter alia that since PAR is for the period 2021-22 was never prepared nor communicated, in terms of the guideline issued under Annexure-11, the same is not legally tenable and accordingly requires interference of this Court.

4.1. Since in terms of the Para 6 r/w. Para 12 of the guideline, the PAR was never prepared nor communicated to the Petitioner, the PAR so communicated under Annexure-8 is not legally sustainable. It is also contended that since while rejecting the prayer of the Petitioner to expunge the adverse CCR vide order under Annexure-10, Opp. Party No. 1 has assigned any reason, such a rejection is also not sustainable in the eye of law in view of the decision so cited *supra*.

5. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner while continuing in the establishment of Opp. Party No. 5, on his transfer vide order dtd.25.07.2020, he was communicated with the



adverse PAR for the period 2021-22 vide letter dtd.02.06.2023 under Annexure-8.

5.1. As found, Petitioner submitted his reply to the adverse PAR on 30.06.2023 under Annexure-9 and with a prayer to expunge the adverse PAR. But such a prayer of the Petitioner was rejected by Opp. Party No. 1 vide order dtd.03.11.2023 under Annexure-10. However, it is found that while rejecting the Petitioner's prayer to expunge the adverse PAR, taking into account the reply submitted by him under Annexure-9, no reason has been assigned by Opp. Party No. 1.

5.2. since no reason has been assigned, while declining to expunge the adverse PAR, it is the view of this Court that the rejection so made vide the impugned order dtd.03.11.2023 under Annexure-10 of Opp. Party No. 1 is not sustainable in the eye of law in view of the decision of this Court reported in **2013 (Supp.1) OLR-736** and **2012(1) OLR-87** so cited *supra*. It is also found that adverse PAR for the period from 2021-22 (01.04.2021 – 31.03.2022) was communicated to the Petitioner vide letter dtd.02.06.2023 under Annexure-8.

5.3. It is also found from Annexure-B/2 that the reporting authority while submitting the PAR of the Petitioner on 03.07.2022 for the period in question, never gave any grading with regard to overall



performance of the Petitioner as provided under Para 8 of the guideline. But in absence of any such grading being given by the Reporting Authority, the Reviewing Authority and the Accepting Authority while accepting the remarks of the reporting authority, gave the overall grading as “Average”. The PAR for the year 2021-2022 has also not been prepared by the Reporting/Reviewing/Accepting Authority within the time stipulated in Para 6 of the guideline.

5.4. Since the reporting authority never gave any grading as provided under Para 8 of the guideline, it is the view of this Court in absence of any such grading being given by the Reporting Authority, no such grading could have been given by the Reviewing Authority as well as by the Accepting Authority by giving the grading as ‘Average’.

5.5. Therefore, in view of the provisions contained under Para 12 of guideline, the PAR after being accepted by the Accepting Authority on 25.11.2022 by Opp. Party No. 2 should have been communicated to the Petitioner within a period of two (2) months from 25.11.2022. However, the PAR in question was communicated only vide letter dtd.02.06.2023 under Annexure-8. No such date is available in Annexure-B/2, showing receipt of the PAR by Opp. Party No. 2. But



the same was only reviewed on 02.06.2023 and thereafter communicated to the Petitioner under Annexure-8.

5.6. In view of the aforesaid analysis, it is the view of this Court that not only the impugned PAR has been prepared contrary to the guideline but also communicated contrary to the guideline issued under Annexure-11.

5.7. In view of the same, this Court is inclined to quash the adverse PAR communicated vide the impugned communication issued on dtd.02.06.2023 under Annexure-8 and so also the rejection of the Petitioner's prayer to expunge the adverse PAR vide order dtd.03.11.2023 under Annexure-10. While quashing the impugned PAR communicated vide letter dtd.02.06.2023 under Annexure-8 and order dtd.03.11.2023 under Annexure-10, this Court allows the writ petition.

6. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Orissa High Court, Cuttack
Dated the 23rd June, 2026/Sneha