



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.6312 of 2026

Shri Nikhil Kumar Dalai

.....

Petitioner

Represented by Adv. -
Satyanarayan Mohapatra

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. C.M. Singh, ASC

CORAM:

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

ORDER

24.03.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as the learned counsel for the State.
 3. In course of hearing the learned counsel for the State produced a copy of instruction dated 23.03.2026 of the DEO, Puri. A copy of such instruction was filed in court and the same is taken on record. A copy thereof was handed over to the learned counsel for the Petitioner. On perusal of the aforesaid instruction dated 23.03.2026 of the DEO, Puri, it appears that the provisional gradation list of Group-D, Jr. Assistant, Sr. Assistant and Section Officer for the year 2025 has been published vide letter No.11624 dated 05.12.2025 and the objections have been invited to be filed by 25.12.2025. The instruction further reveals that as per the provisional gradation list the Petitioner's name finds place at Sl. No.3 of Sr. Assistant and a number of objections have also been received. Since the process of



hearing of the objection is on, the Opposite Parties are going to finalize the final gradation list of all ministerial staff of the establishment very soon. The instruction further reveals that after publication of the final gradation list the required papers and original service books of the eligible ministerial staff will be collected and thereafter a DPC shall be convened to consider promotion of the ministerial officers in the establishment. The instruction further reveals that the Petitioner has already retired from service w.e.f. 28.02.2026.

4. In reply to the aforesaid instruction, learned counsel for the Petitioner contended that as per the relevant rules the DPC is required to mandatorily convene once in every year. Since no DPC was convened to consider the case of promotion of the ministerial staff, the Petitioner has been deprived of the opportunity to get promotion. He further contended that the last DPC was convened in the year 2023, however, since the Petitioner had not completed four years' of service, his case was not considered for promotion to the post of Section Officer. He further submitted that in the meantime the Petitioner had already completed four years' of service in the year 2024. Therefore, he is eligible to be promoted to the post of Section Officer. He further contended that as per the instruction it is not disputed that the name of the Petitioner finds place at Sl. No.3 of the provisional gradation list.

5. Taking into consideration the submission made by the learned counsels appearing for both sides, further taking into consideration the provision contained in Odisha Ministerial Service (Method of Recruitment and Conditions of Services of Junior Assistants, Senior



Assistants and Section Officer in the District Offices and offices Sub-ordinate thereto) Rules, 2019 and further taking note of the provision contained therein with regard to mandatorily convening DPC once in every year, this Court disposes of the present writ petition by directing the Opposite Parties to consider the case of the Petitioner for promotion on the basis of the final gradation list by treating the Petitioner to be continuing in service notionally for the purpose of considering his case for promotion. In the event it is found that the Petitioner is eligible for such promotion, then the Petitioner shall be given notional promotion to such promotional post, and accordingly, the financial benefit as is due and admissible on the basis of such notional promotion be calculated, sanctioned and disbursed in favour of the Petitioner. It is needless to mention here that the pensionary benefit of the Petitioner shall also be calculated on the basis of such promotional post, in the event it is found that the Petitioner is eligible for such promotion. Further, while disposing of the present writ petition, this Court directs the Opposite Parties to make every endeavor to convene the DPC as expeditiously as possible, preferably within a period of three months from the date of communication of a copy of today's order.

6. With the aforesaid observation/direction, the writ petition stands disposed of.

(Aditya Kumar Mohapatra)
Judge