



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8482 of 2025

Gopal Chandra Nayak

.....

Petitioner

Represented By Adv. -
Sameer Kumar Das

-versus-

State Of Odisha and another

.....

Opposite Parties

Mr. M.R. Mohanty,
AGA

CORAM:

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

ORDER

27.03.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned counsel 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:

“Under the above circumstances it is therefore humbly prayed that the Hon'ble Court be graciously pleased to direct the Opposite Party No.1 to promote the petitioner to the post of Superintending Engineer from 31.05.2021 and Addl. Chief Engineer from 01.08.2023 i.e. from the date his immediate juniors like Sri Guru



Charan Das and other got such promotions and to grant him all consequential service and financial benefits within a stipulated period as deem fit and proper,

And/or issue any other appropriate writ/writs, order/orders, direction/directions as deem fit and proper in the fitness of the case;”

4. It is stated by learned counsel for the Petitioner that initially the Petitioner joined as a Stipendiary Engineer in the H & UD Department, Government of Odisha in the year 1993. Finally, pursuant to a decision of the Government, the petitioner was absorbed as Asst. Engineer on ad-hoc basis w.e.f. 11.12.1998. Finally, the service of the Petitioner was regularized w.e.f. 15.02.2003. While working as such, the Petitioner got promotion to the post of Asst. Engineer from December, 1998. Subsequently, he was further promoted to the post of Asst. Executive Engineer and Deputy Engineer in the year 2014 under Annexure-1 to the writ petition.

5. Learned counsel for the Petitioner further contended that while working as such the Petitioner was entangled in a vigilance case pursuant to the Panchayati Raj Department O.M. dated 30.08.2011. While the criminal proceeding was pending, a DP was instituted against the present Petitioner vide Memo dated 04.07.2017 which was registered as CDI Case No.35 of 2020. While the matter stood thus, the Government of Odisha vide G.A. & P.G. Department circular dated 17.06.2021 directed that ad-hoc promotion can be given to an employee if the departmental proceeding could not be disposed of within two years from the date of institution. Learned counsel for



the Petitioner referring to the aforesaid circular under Annexure-3 to the writ petition dated 17.06.2021, contended that since two years have lapsed from the date of institution of the disciplinary proceeding, the Petitioner is eligible to be promoted on ad-hoc basis to the next higher rank along with his batchmates. He further contended that in the meantime the inquiry report was submitted by the CDI on 08.10.2024, thereby exonerating the Petitioner from the charges leveled against him under Annexure-4 to the writ petition. Finally, learned counsel for the Petitioner contended that the Petitioner is going to retire from service on attaining the age of superannuation w.e.f. 31.07.2025.

6. In course of his argument, learned counsel for the Petitioner further contended that the immediate juniors to the Petitioner, namely one Guru Charan Das and others have been given promotion to the post of Superintending Engineer vide government notification dated 31.05.2021 under Annexure-5 to the writ petition. However, while considering the case of the juniors for promotion to the post of Superintending Engineer, the Opposite Parties have not considered the case of the Petitioner. Being aggrieved by such inaction by the Opposite Parties, the Petitioner has approached this Court by filing the present writ petition. He further contended that, challenging the aforesaid illegality, although the Petitioner approached the Opposite Parties by filing a representation on 12.11.2024 under Annexure-7 to the writ petition, however no decision has been taken on such representation. He also referred to the judgment of this Court in *Sushama Barik v. State of Odisha* in W.P.(C) No.21795 of 2021 disposed of on 03.08.2021 as well as a judgment by the Division Bench of this Court in *State of Odisha and others v. Ashok Kumar*



Hota and another in *W.P.(C) No.18500 of 2015* disposed of on 06.05.2022.

7. Learned counsel for the State on the other hand contended that although he does not have any instruction in the matter, however considering the pleadings in the writ petition, it appears that the representation of the Petitioner dated 12.11.2024 under Annexure-7 is pending before the Opposite Parties. In such view of the matter, learned counsel for the State contended that in the event this Court directs the Opposite Party No.1 to consider and dispose of the representation of the Petitioner in the light of the judgments referred to hereinabove, within a stipulated period of time, he will have no objection to the same.

8. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful analysis of their submission and on a close scrutiny of the documents annexed to the writ petition, 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 of the Petitioner under Annexure-7 to the writ petition, taking into consideration the circular of the G.A. & P.G. Department, Government of Odisha dated 17.06.2021 as well as the judgments referred to hereinabove within a period of six weeks from the date of communication of a certified copy of this order. In the event the Opposite Parties come to a conclusion that the case of the Petitioner is covered under the above noted circular and the law laid down by this Court in the aforesaid judgments, then necessary follow up action be taken to convene the review DPC to consider the case of the Petitioner as expeditiously as possible, within six weeks from the



date of taking such decision. The representation of the Petitioner shall be disposed of by passing a speaking and reasoned order. The final decision so taken be communicated to the Petitioner within ten days thereafter.

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

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout