



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.7897 of 2022

Pramod Kumar Bebart

.....

Petitioner

Mr. U.C. Mohanty, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.03.2026

Order No.07

1. This matter is taken up through hybrid mode.
2. Heard Mr. U.C. Mohanty, learned counsel appearing for the Petitioner and Mr. P.K. Panda, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed inter alia challenging office order dtd.29.01.2022 so passed by Opp. Party No. 1 under Annexure-14. Vide the said order claim of the Petitioner to get the benefit of promotion to the rank of Joint Secretary/Addl. Secretary at par with his juniors was rejected.
4. Learned counsel appearing for the Petitioner contended that pursuant to the order passed by this Court in W.P.(C) No. 9546 of 2012 & batch and further order passed by the Apex Court in Special Leave to Appeal No. 6168-6173 of 2019, disposed of on 01.10.2020, Petitioner was given the benefit of promotion to the rank of Under Secretary w.e.f.25.11.2006 as per the recommendation of the Review DPC dtd.27.11.2020 and to the rank of Deputy Secretary w.e.f.25.04.2008 as per the 2nd Review DPC held on 22.12.2021.



4.1. It is contended that in terms of the order passed by this Court and further order passed by the Apex Court and taking into account the fact that Petitioner has retired on attaining the age of superannuation on 31.03.2011, and by the said date two of his juniors have got further benefit of promotion to the rank of Joint Secretary as well as Addl. Secretary, Petitioner prior to getting the benefit of promotion to rank of Deputy Secretary, approached this Court by filing W.P.(C) No. 33382 of 2021.

4.2. It is contended that this Court vide order dtd.08.11.2021 when directed for consideration of the Petitioner's claim to get the benefit of promotion to the rank of Deputy Secretary, Joint Secretary and Addl. Secretary. But only by extending the benefit of promotion to the rank of Deputy Secretary by conducting a 2nd Review DPC on 22.12.2021, further claim of the Petitioner to get the benefit of promotion to the rank of Joint Secretary and Addl. Secretary was never considered on the face of such promotion being extended to his juniors.

4.3. It is contended that since this Court directed for consideration of the Petitioner's claim to get the benefit of promotion to the rank of Deputy Secretary, Joint Secretary and Addl. Secretary, Opp. Party No. 1 without conducting the Review DPC to consider the eligibility of the Petitioner to get the benefit of promotion to the rank of Deputy Secretary, Joint Secretary and Addl. Secretary, only conducted the review DPC to consider the eligibility of the Petitioner for his promotion and disposed of the claim to the rank of Deputy Secretary, vide the impugned order dtd.29.01.2022 under Annexure-14.



4.4. It is contended that since in terms of the earlier order passed by this Court, no Review DPC was conducted to consider the eligibility of the Petitioner to get the benefit of promotion to the rank of Joint Secretary and Addl. Secretary, disposal of the claim of the Petitioner pursuant to the earlier order of this Court vide the impugned order dtd.29.01.2022 under Annexure-14 is not sustainable in the eye of law and Opp. Party No. 1 be directed to conduct a Review DPC of the DPC, by which his juniors got the benefit of promotion to the rank of Joint Secretary as well as Addl. Secretary.

5. Mr. P.K. Panda, learned Addl. Standing Counsel on the other hand contended that since by that time Petitioner raised his claim he had already retired on attaining the age of superannuation on 31.03.2011, considering the order passed by this Court and by conducting a Review DPC on 22.12.2021, Petitioner was given the benefit of promotion to the rank of Deputy Secretary w.e.f.25.04.2008 vide Home Department notification dtd.24.12.2021.

5.1. It is contended that since Petitioner had already retired w.e.f.31.03.2011, his claim to get the benefit of promotion to the rank of Joint Secretary & Addl. Secretary was not considered. It is accordingly contended that no illegality or irregularity can be found with the impugned order.

6. To the submission made by the learned Addl. Standing Counsel, learned counsel for the Petitioner contended that since Petitioner was extended with the benefit of promotion to the rank of Under Secretary and Deputy Secretary as per review DPC recommendation dtd.27.12.2020 and 22.12.2021, there was no bar to consider his claim for promotion to the rank of Joint Secretary as well as Addl.



Secretary. Benefit of promotion to the rank of Under Secretary and Deputy Secretary since was considered much after the retirement of the Petitioner, the ground of non-consideration for further promotion to the rank of Joint Secretary and Addl. Secretary is not sustainable in the eye of law.

7. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that pursuant to the order passed by this Court and the Apex Court on 01.10.2020, Petitioner was given the benefit of promotion to the rank of Under Secretary w.e.f.25.11.2006 as per the Review DPC recommendation dtd.27.11.2020 and to the rank of Deputy Secretary w.e.f.25.04.2008 as per the recommendation of the 2nd Review DPC dtd.22.12.2021.

7.1. It is found that this Court while disposing W.P.(C) No. 33382 of 2021 had directed Opp. Party No. 1 to convene the Review DPC to consider the eligibility of the Petitioner to get the benefit of promotion to the rank of Deputy Secretary, Joint Secretary and Addl. Secretary. But as found by conducting the Review DPC so far as promotion to the rank of Deputy Secretary is concerned, claim of the Petitioner to get the benefit of promotion to the rank of Joint Secretary and Addl. Secretary was never undertaken by conducting the Review DPC. Stand taken by the Opp. Party No. 1 that, such claim was not considered, as the Petitioner had already retired since 31.03.2011, is not acceptable on the face of the benefit extended to the rank of Under Secretary and Deputy Secretary pursuant to the order of the Apex Court so passed on 01.10.2020 and conduct of the review DPC on 27.11.2020 and 22.12.2021.

7.2. Since non-consideration is apparent on the face of the impugned order, this Court while disposing the writ petition with quashing of



the order dtd.29.01.2022 under Annexure-14, directs Opp. Party No. 1 to conduct a Review DPC of the DPC by which juniors to the Petitioner got the benefit of promotion to the rank of Joint Secretary and Addl. Secretary. This Court directs Opp. Party No. 1 to complete the entire exercise by conducting the Review DPC and consequential follow-up action, if the Petitioner is found otherwise eligible to get the benefit, within a period of four (4) months from the date of receipt of this order.

7.3. Petitioner however will only be entitled to get the benefit of such promotion, if any on notional basis and his pensionary benefits will only be revised, if he is found otherwise eligible to get the benefit of promotion to the rank of Joint Secretary and Addl. Secretary.

8. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha