



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11559 of 2022

Ambikanath Patra & Ors.

Petitioners

Mr. S. Behera, Advocate

-versus-

***Principal Secy., Dept. of
Energy, BBSR & Ors.***

Opposite Parties

Mr. C.K. Pradhan, AGA

Mr. P.K. Mohanty, Sr. Adv.

Mr. P. Mohanty, Adv. for O.P.5

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.03.2026

Order No.

- 11.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel appearing for the Parties.
- 3.** The present Writ Petition has been filed *inter alia* challenging order dtd.05.01.2022 so passed by the Government-Opposite Party No.1 under Annexure-16. As per the said order, claim of the Petitioner to get the benefit of promotion to the rank of E-6 was rejected, on the ground that as per the Clause-2(v) of the Southco Promotion Policy so available under Annexure-1, Petitioners are not eligible to get the benefit.



4. Learned counsel appearing for the Petitioners contended that since the Petitioners were initially appointed under the erstwhile OSEB, the promotion policy of Southco cannot be made applicable to them and accordingly rejection of their claim relying on Clause-2(v) of the Southco Promotion Policy is not sustainable in the eye of law and requires interference of this Court.

5. Mr. P.K. Mohanty, learned Senior counsel appearing for the Southco now TPSODL, on the other hand contended that since Petitioners entered into service in E-2 Grade with having qualification of Diploma in Engineering and as per the promotion policy of Southco so adopted by TPSODL under Clause-2(v), officers not possessing the prescribed qualification for their entry into E-3 level, shall not be considered for promotion beyond E-5 level. Clause-2(v) of the Policy read as follows:-

“The Officers not possessing the prescribed qualification as mentioned under the Officers Recruitment Policy for entry into E-2 level shall not be considered for promotion beyond E-3 level and the Officers not possessing the prescribed qualification for entry into E-3 level shall not be considered for promotion beyond E-5 level.”

5.1. It is contended that since the minimum qualification for entry to E-3 level is Degree in Engineering and Petitioners qualification is Diploma in Engineering, in view of the stipulation contended under



Rule-2(v), Petitioners cannot get the benefit of promotion beyond E-5 level.

5.2. It is also contended that parimateria provision is also contained under GRIDCO Officers Promotion Policy vide Clause-6.4. Clause-6.4 of the GRIDCO policy reads as follows:-

“6.4. The officers not possessing the prescribed qualification under the Gridco Officers Recruitment Policy or entry into E3 level shall not be considered for promotion beyond E5 level”.

5.3. It is accordingly contended that since Petitioners do not have the required qualification for their initial entry in E-3 level, in view of the stipulation contained in Clause-6.4. read with Clause- 2(v) of the Southco Promotion Policy, Petitioners are not eligible and entitled to get any promotion beyond E-5 level.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioners' claim in the Writ Petition is with regard to their promotion to E-6 level. It is not disputed that all the Petitioners do not have the required qualification of Degree in Engineering and they entered into service in E-2 level as Junior Engineer with having qualification of Diploma in Engineering.

6.1. Placing reliance on the provisions contained under Clause-2(v) of the Southco Promotion Policy so



available under Annexure-1 and Clause-6.4 of the Gridco Officers Promotion Policy so available under Annexure-6, it is the view of this Court that Petitioner's since do not have the required qualification of Degree in Engineering, which is an essential qualification for entry into E-3 level, they are not eligible & entitled to get promotion beyond E-5 level.

6.2. Therefore, this Court finds no illegality or irregularity with the impugned order so passed by the Government on 05.01.2022 under Annexure-16, and is not inclined to interfere with the same.

7. Accordingly, the Writ Petition stands dismissed.

(Biraja Prasanna Satapathy)
Judge

Subrat