



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 21283 of 2021

Dr. Babaji Charan Nayak

.....

Petitioner

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

Mr. T. Patnaik, Advocate

(Opp. Party No. 6)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

13.08.2025

Order No. 04

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. Pursuant to order dtd.06.08.2025 learned counsel appearing for the Petitioner files an additional affidavit enclosing service book of the Petitioner, wherein the date of joining of the Petitioner has been taken as 07.04.1997. Copy of the additional affidavit along with memorandum dtd.31.03.2023 so produced in Court be kept in record.
4. Learned counsel appearing for the Petitioner contended that while rejecting his claim to get the benefit of promotion under 3rd DACP vide order dt.28.01.2021 under Annexure-10, the period treated as extra ordinary leave was not taken into consideration as continuity in service. But in a case of similar nature, the benefit was extended vide order dtd.30.04.2020 under Annexure-7. It is accordingly contended that since similarly situated persons have got the benefit of promotion under 3rd DACP vide order dtd.30.04.2020 under Annexure-7, rejection of the Petitioner's claim on the ground indicated in the



impugned order under Annexure-10 is not sustainable in the eye of law.

5. Learned Addl. Govt. Advocate on instruction contended that the benefit extended vide order under Annexure-7 is under the active consideration of the State to withdraw, but he has no positive instruction as to whether the benefit has been withdrawn in the meantime or not.

6. To the submission made by the learned counsel for the State, learned counsel appearing for the Petitioner basing on the office memorandum issued by the Govt. in the Finance Department on 31.03.2023, contended that, Govt. has already taken a decision not to reopen all those cases, where the benefit of promotion under 3rd DACP has been extended till the date of issue of the memorandum i.e.31.03.2023. Copy of the memorandum dtd.31.03.2023 is provided to the learned Addl. Govt. Advocate in Court.

7. Learned Addl. Govt. Advocate is directed to obtain instruction on the issue and apprise accordingly.

8. As requested, list this matter in the week commencing 8th September, 2025.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha