



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)No.16357 of 2024

Soubhagya Ranjan Pattnaik

Petitioner

Mr. G.R. Sethi, Adv.

-versus-

State of Odisha & Others

Opposite Parties

Mr. P.K. Sahoo, ASC

COROM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.05.2026

Order No

- 4.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia with the following prayer:

It is therefore humbly prayed that this Hon'ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs,

1) To quash the order dtd 01.05.2024 under Annexure-10.

ii) To quash the punishment order dtd. 13.09.2012 under Annexure-5.

iii) To quash the order dtd 24.05.2013 under Annexure-7:

iv) To direct the Opposite Parties to grant all consequential service and financial benefits to the petitioner.

And pass such other order/orders, direction/directions as deem fit and proper.



And for this act of kindness, the petitioner as in duty bound shall ever pray.

4. It is contended that in the Proceeding initiated against the Petitioner in Jagatsinghpur District Proceeding No.3 dt.03.01.2012, Petitioner participated in the Proceeding and after conclusion of the inquiry with issuance of the show-cause, Petitioner vide order dt.13.09.2012 under Anenxure-5 was imposed with the following punishment by the Opp. Party No.4.

“ ONE BLACK MARK’

The suspension period w.e.f 27.10.2011 pm to 07.02.2012 Am i.e. 102 days treated as such.”

5. Learned counsel appearing for the Petitioner contended that the order passed by the Disciplinary authority-Opp. Party No.4 though was assailed by filing appeal before Opp party No.3 under Annexure-6, but the Appellate authority without proper appreciation, rejected the Appeal vide order dt.24.05.2013 under Annexure-7. Revision filed by the Petitioner before the Revisional authority-Opp. Party No.2 under Annexure-8, was also rejected vide order dt.01.05.2024 under Annexure-10.

5.1. While assailing the order of punishment passed by the Disciplinary Authority under annexure-5, so confirmed by the Appellate authority vide order under Anenxure-7 and by the Revisional authority vide order under Annexure-10, learned counsel for the Petitioner contended that, since no such punishment to treat the period of suspension as such is prescribed under PMR-824, no such punishment could have been imposed while imposing the punishment of one



Black Mark. It is contended that since no such punishment to treat the period of suspension as such, is prescribed under PMR-824, the period of suspension could not have been treated as such and instead it is to be treated as duty for all purposes. In support of the aforesaid submission, reliance was placed to a decision of this Court passed on 09.04.2024 in WPC (OAC) No.761 of 2018. This Court in para 4.2, 4.4 & 6 of the said order has held as follows:

4.2. It is the main contention of the learned counsel for the Petitioner that while imposing punishment of one black mark, which is in the nature of a major punishment, the period of suspension could not have been treated as such, as no such punishment is prescribed under PMR-824. PMR-824 reads as follows:-

"824. Description of departmental punishments. The following punishments which are sanctioned u/s 7 of Act. V of 1861 may be inflicted departmentally on a police officer of and below the rank of Inspector :--

- (a) Dismissal,
- (b) Removal,
- (b-1)- Compulsory retirement; and]
- (c) Reduction in rank,
- (d) Reduction in time-scale.
- (e) Withholding of the next increment for a specific offence, with or without corresponding postponement of subsequent Increments,
- (f) Black mark or marks,
- (g) Removal from any office of distinction or specific emolument,
- (h) Censure,
- (1) Warning,



(1) Confinements to quarters for a period not exceeding 15 days,

(k) punishment drill, and

(1) Extra guard or other duty

Provided that the punishments mentioned in Clauses (i) to (m) shall not be imposed on any officer of or above the rank of Sub Inspector nor the punishment mentioned in (1) on any Assistant sub inspector, Constable of Ordinary Reserve and Havildar of Armed Reserve.

Punishments mentioned in Clauses (a) to (h) are classed as major and the rest are minor. All major punishments and censure shall be entered in the service book other minor punishments may be so entered if the officer awarding the punishment so directs.

Note 1:- Superintendents may use the orderly Room Register in P.M. Form NO.114 when dealing with cases of misconduct and breaches of discipline in which the punishments mentioned in Clauses(k) to (l) are imposed.

Note 2:- Forfeiture of pay for overstaying leave (Service Code Rule 144) and deductions from pay on account of loss or damage to Government property shall not be treated as punishment.

Note3:- For purposes of punishment an officer, while officiating in a higher rank, shall be treated as belonging to that rank."

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4.4. With regard to the stand that period of suspension cannot be treated as such, as no such punishment is prescribed under PMR-824, learned counsel for the Petitioner relied on a decision of this Court so passed on 22.12.2022 in W.P.C.(OAC) No. 2433 of 2016. This Court in Para 6.2 of the said order has held as follows:-

"6.2. Therefore, this Court after going through the materials available on record is of the prima facie view that the prosecution though has not succeeded in



proving the charges against the petitioner, but the Opposite Party no. 1 passed the order of punishment, one such order of punishment though is not provided under PMR. The appellate authority without considering the grounds of appeal rejected the same vide the impugned order under Annexure-11. Hence, this Court is inclined to quash the order under Annexure-9 & 11 and while quashing the same, this Court directs Opposite Party NO. 1 to consider the claim of the Petitioner for his promotion to the post of Lance Naik, he is otherwise eligible.

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6. Having heard learned counsel for the Parties, considering the materials available on record and the nature of charges framed against the Petitioner, this Court finds that proceeding against the Petitioner was conducted in accordance with law and no plea has been raised with regard to non-compliance of any statutory provision while conducting the proceeding and so also the enquiry. Therefore, this Court is not inclined to interfere with the order of punishment so far as it relates to imposition of one black mark. But since no such order of punishment to treat the period of suspension as such is prescribed under PMR-824, placing reliance on the said provisions and the decision as cited supra, this Court is of the view that no such order of punishment to treat the period of suspension could have been passed while imposing punishment of one black mark. Therefore, this Court is inclined to quash the order of punishment so far as it relates to treating the period of suspension as such. While interfering with the same, this Court is inclined to quash the order to treat the period of suspension as such and quash the same accordingly.

5.2. It is accordingly contended that the impugned order so far as imposition of punishment to treat the period of suspension as such is concerned is liable to be interfered with by this Court, in view of the decision as cited supra.



6. Mr. P.K. Sahoo, learned Addl. Standing Counsel on the other hand while supporting the impugned order contended that since the impugned order passed by Opp party No.4 under Annexure-5 has been confirmed by the Appellate authority vide order under Annexure-7 and by the Revisional authority vide order under Annexure-10, no illegality or irregularity can be found with the impugned order, after being confirmed by the Appellate authority and Revisional authority. It is also contended that since no such allegation has been made in the Writ Petition that statutory provision was not followed nor principle of natural justice has been violated, this Court in exercise of the power conferred under Article 226 of the Constitution of India may not interfere with the impugned order.

7. Having heard learned counsel for the parties and considering the submission made, this Court finds that in the Proceeding initiated vide Jagatsinghpur District Proceeding No.3 dt.03.01.2012 under Annexure-1, the Disciplinary authority after following due procedure of law, while disposing the Proceeding vide order dt.13.09.2012 under Annexure-5 imposed the punishment of One Black Mark and treat the period of suspension from 27.10.2011 to 07.02.2012 as such.

7.1. Such order passed by Opp. Party No.4 under Annexure-5 has been confirmed by the Appellate authority vide order under Annexure-7 and by the Revisional authority vide order under Annexure-10. Placing reliance on the decision of this Court so cited supra and since it is not disputed that no such punishment to treat the period of suspension as such



has been prescribed under PMR-824, this Court is inclined to quash the order, so far as relates to treating the period of suspension as such is concerned.

7.2. While quashing the order of punishment in treating the period of suspension so imposed vide the impugned order under Annexure-5, confirmed vide order under Annexures-7 & 10, as such, this Court directs Opp. Party No.4 to treat the period of suspension from 27.10.2011 to 07.02.2012 as duty for all purposes and extend the benefit as due and admissible in favour of the Petitioner. This Court directs Opp party No.4 to complete the entire exercise within a period of 2(two) months from the date of receipt of this order.

8. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

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