



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29211 of 2023

Priya Ranjan Behera

....

Petitioner

Mr. S.K. Das, Advocate

-versus-

**State of Odisha and
Others**

....

Opp. Parties

Mr. P.K. Panda, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

10.10.2025

Order No

14. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S.K. Das, learned counsel for the petitioner and Mr. P.K. Panda, learned Addl. Standing Counsel for the State.

3. Even though the present Writ Petition has been filed with multiple prayer, but at the outset, learned counsel for the petitioner contended that since petitioner during pendency of the Writ Petition has already been reinstated, he does not intend to press the prayer so far as challenge made to the order of suspension dated 24.01.2023 under Annexure-4 is concerned.



3.1. It is contended that petitioner while continuing in the Department of Energy, Govt. of Odisha, he was promoted to the rank of Superintending Engineer (Electrical) and deputed to Works Department vide Notification dated 07.09.2022 under Annexure-2. Pursuant to such order passed under Annexure-2, petitioner joined as Superintending Engineer (Electrical) in Works Department on 30.09.2022 so available under Annexure-3.

3.2. It is contended that while continuing as such in the Works Department, petitioner was placed under suspension vide order dated 24.01.2023 under Annexure-4 and thereafter a proceeding was initiated against him by O.P. No.2 vide Memorandum dated 03.06.2023 under Annexure-6 *inter alia* with the following charges:-

- "i. Gross Misconduct,*
- ii. Dereliction of Government duty,*
- iii. Disobedience of Government Order,*
- iv. Wrongful pecuniary loss to Govt."*

3.3. Learned counsel for the petitioner contended that after initiation of the proceeding vide Memorandum dated 03.06.2023, petitioner was repatriated to his parent department i.e. Energy Department, vide Office order dated 05.09.2023 under Annexure-12.

3.4. It is the main contention of the learned counsel for the petitioner that the ground on which the proceeding was initiated against petitioner with the charges made therein, are not sustainable as petitioner was no way



involved with the alleged charges regarding extension of the benefit of promotion in favour of one Manoranjan Samantaray.

3.5. It is contended that aforesaid Manoranjan Samantaray in fact was promoted to the post of MCIL(PAS) w.e.f. 22.02.2019 vide order dated 22.02.2019 under Annexure-5. It is contended that such a benefit was extended in favour of the aforesaid Manoranjan Samantaray, when petitioner was not working in the Works Department, as admittedly petitioner joined in the said department on 30.09.2022.

3.6. It is also contended that after his joining as Superintending Engineer, Electrical in Works Department in the DPC held on 27.10.2022, petitioner being the Chairman of the Departmental Promotion Committee, recommended the claim of the other person namely Bhubanananda Das, to get the benefit of promotion to the post of MCIL(PAS). However, since this Court passed an interim order on 27.10.2022 itself, in the Writ Petition filed by one K.C. Ray, petitioner on the face of such decision taken in the DPC dated 27.10.2022, sought for instruction from the Govt. as to whether benefit of promotion can be extended in favour of Sri Bhubanananda Das on the face of the interim order passed on 27.10.2022 in W.P.(C) No.28302 of 2022.

3.7. It is also contended that after getting the required instruction from the Govt., vide order dated 07.01.2023 under Annexure-20, aforesaid Bhubanananda Das was



promoted to the post of Motor-cum-Instrument Mechanic(PAS). It is accordingly contended that petitioner has no role either with regard to extension of the benefit of promotion in favour of Manoranjan Samantaray which was much prior to the joining of the petitioner in the Works Department, or with regard to withholding the promotion of Bhubanananda Das as alleged in the proceeding initiated against the petitioner. It is accordingly contended that the ground on which the proceeding has been initiated with the charges made therein, are not sustainable in the eye of law.

3.8. A further contention was also raised that even though petitioner was repatriated to his parent department vide order dated 05.09.2023 under Annexure-12 and after such repatriation to Energy Department, the proceeding could not have been taken up by Works Department with appointment of the Enquiry Officer and submission of the Enquiry Report and consequential 1st and 2nd Show Cause. It is accordingly contended that not only the initiation of the proceeding with the charges made therein is not sustainable but also the conduct of the proceeding is vitiated, as the proceeding continued against the petitioner with appointment of the Enquiry Officer by the Works Department, even though petitioner w.e.f. 05.09.2023, comes under the jurisdiction of Energy Department.

3.9. Making all these submissions, learned counsel for the petitioner contended that the proceeding initiated against



the petitioner, is required to be quashed and the period of suspension be regularized so that petitioner can get the benefit of promotion and other financial benefits as due and admissible.

4. Learned Addl. Standing Counsel on the other hand made his submission basing on the stand taken in the counter affidavit. Though it is not disputed that the present petitioner joined in the Works Department on 30.09.2022, but it is contended that after his joining in the Works Department, petitioner in his capacity as Superintending Engineer, Electrical provided various documents to one K.C. Ray for his approaching this Court by filing W.P.(C) No.28302 of 2022.

4.1. It is contended that because of the help extended by the present Petitioner to Sri K.C. Ray in filing W.P.(C) No.28302 of 2022 and the interim order passed by this Court on 27.10.2022, on the face of the recommendation made by the DPC on 27.10.2022, Sri Bhubanananda Das could not get the benefit of promotion, till such promotion was extended vide order dated 07.01.2023.

4.2. It is contended that since because of the help given by the present petitioner to the aforesaid K.C. Ray in approaching this Court and getting an interim order and thereby withholding the benefit of promotion in favour of the beneficiary Bhubanananda Das, taking into account such conduct of the petitioner, the proceeding was initiated along with other charges. It is however fairly contended that



petitioner has no role with regard to extension of the benefit of promotion in favour of Manoranjan Samantaray, who was given such benefit much prior to joining of the petitioner in the department.

4.3. It is also contended that even though the proceeding was initiated by the Works Department but after submission of the Enquiry Report, the matter has now been transferred to Energy Department for finalization of the proceeding in accordance with law. It is accordingly contended that no illegality or irregularity has been committed with regard to the initiation of the proceeding and its continuance initially by the Works Department and now by the Energy Department and the petitioner be directed to participate in the proceeding.

5. To the submission made by the learned Addl. Standing Counsel, learned counsel for the petitioner made further submission contending *inter alia* that after his repatriation to his parent department on 05.09.2023 vide order under Annexure-12, since the Enquiry Officer was appointed by the Works Department vide order dated 10.10.2023 under Annexure-13, is not permissible in the eye of law. After his repatriation, the Enquiry Officer should have been appointed by Energy Department with due transfer of the proceeding.

5.1. However, not only the Enquiry Officer appointed by the Works Department vide order dated 10.10.2023



proceeded with the Enquiry but also he submitted the Enquiry Report on 27.03.2024 under Annexure-14 which has been duly accepted with issuance of the 1st and 2nd show cause notice against the petitioner under Annexure-15 and 16. It is however contended that because of the interim order passed in the present Writ Petition, no further progress has been made after issuance of the 2nd show-cause, on the face of the reply submitted under Annexure-17.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that petitioner while continuing in Energy Department, he was extended with the benefit of promotion to the rank of Superintending Engineer (Electrical) vide order dated 07.09.2022 under Annexure-2. Petitioner vide the said order was deputed to Works Department, where he joined on 30.09.2022. As found, after his joining in the Works Department on 30.09.2022, he was placed under suspension vide order dated 24.01.2023 under Annexure-4. Thereafter, the proceeding in question was initiated against him vide Memorandum dated 03.06.2023 under Annexure-6 *inter alia* with the charges as indicated hereinabove.

6.1. This Court taking into account the nature of charges framed against the petitioner, is of the view that petitioner has no role with regard to the extension of the benefit of promotion in favour of one Manoranjan Samantaray as the said benefit was extended vide order dated 22.02.2019



under Annexure-5, which is much prior to date of joining of the petitioner in the Works Department.

6.2. With regard to the charge made that petitioner helped Sri K.C. Ray in filing the Writ Petition before this Court and getting an interim order on 27.10.2022 in W.P.(C) No.28302 of 2022 and thereby benefit of promotion in favour of Bhubanananda Das could not be issued, is also not acceptable, as the petitioner being the Chair person of the Department Promotion Committee, recommended the claim of Bhubanananda Das to get the benefit of promotion in the DPC held on 27.10.2022. So it is the view of this Court that the charge made against the petitioner in that regard, is not just and proper and the same is also not acceptable to this Court.

6.3. It is also found that even though the proceeding was initiated against the petitioner vide Memorandum dated 03.06.2023 under Annexure-6 by Works Department but petitioner was repatriated to his parent department i.e. Energy Department vide order dated 05.09.2023 under Annexure-12. It is the view of this Court that after such repatriation to his parent department, the proceeding could not have been taken up by the Works Department. But as found from the record, after such repatriation to his parent department, Works Department appointed the Enquiry Officer vide order dated 10.10.2023 under Annexure-10 and basing on the report submitted by the Enquiry Officer on 27.03.2024 under Annexure-14, petitioner has been issued with the 1st and 2nd show cause under Annexure-15 and 16.



6.4. Even though a stand has been taken in the counter affidavit that now the proceeding will be taken up by the Energy Department, but taking into account the nature of charges framed against the petitioner and the discussion made hereinabove, it is the view of this Court that the proceeding in question has been initiated without any reason and basis and charges framed against the petitioner are without having sufficient and cogent material against the petitioner.

6.5. Therefore, this Court is inclined to quash the proceeding initiated against the petitioner vide Memorandum dated 03.06.2023 under Annexure-6. While quashing the said proceeding, this Court directs O.P. No.1 to regularize the period of suspension in accordance with law and extend the benefit as due and admissible including the benefit of promotion if any. This Court directs O.P. No.1 to complete the entire exercise within a period of 3 (three) months from the date of receipt of this order.

7. The Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Oct-2025 16:13:12

