



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.616 of 2026

Debasis Rout

....

Petitioner

Mr. M.K. Khuntia, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. P.K. Panda, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

Order
No.

ORDER
23.02.2026

- 01.
- 1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
 - 2.** Heard learned counsel for the Petitioner and learned Additional Standing Counsel appearing for the State.
 - 3.** Even though the present Writ Petition is filed challenging order dated 23.09.2024 so passed by the Commandant 8th Special IR Battalion, Bhubaneswar (Opposite Party No.5), but in course of hearing, learned counsel for the Petitioner contended that he may be permitted to withdraw the Writ Petition with liberty to move the appellate authority against the order in question.
 - 3.1** It is however, contended that in view of the



provision contained under PMR 852, since the prescribed period of limitation to prefer an appeal is six months from the date of receipt of the order impugned, and since no such appeal has been filed as yet, the delay in filing the appeal be condoned. It is also contended that Petitioner will file the appeal within a period of two weeks hence without fail.

4. Learned Additional Standing Counsel on the other hand contended that since no appeal has been filed within the stipulated time period the delay in filing the appeal be considered by the appellate authority. It is also contended that as per PMR 852 the period of limitation though is six months, but on similar issue under the OCS (CCA) Rules, 1962, the period of limitation is prescribed at three months under Rule 24 of the 1962 Rules.

5. Having heard learned counsel for the parties and considering the submissions made, this Court while disposing of the Writ Petition without entertaining the same, permits the Petitioner to move the appellate authority by filing an appeal within a period of two weeks from the date of receipt of this order.

5.1 It is observed that if any such appeal will be filed within the aforesaid time period, the appellate authority shall do well to entertain the appeal and decide the same on merit, without insisting on any delay.



5.2 However, this Court is not satisfied with the provisions contained under PMR 852 vis-à-vis Rule 24 of the OCS (CCA) Rules, 1962. This Court directs the Principal Secretary, GA & PG Department to look into the aforesaid discrepancy with regard to the period of limitation prescribed for filing of the appeal against the order passed by the Disciplinary Authority, under PMR 852 vis-à-vis and Rule 24 of the OCS (CCA) Rules, 1962. It is view of this Court that similar period of limitation should have been prescribed to all the employees without having any discrimination.

Let a copy of this order be communicated to the Principal Secretary, GA & PG Department, Govt. of Odisha by the Registry for doing the needful.

The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge