

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7098 of 2022

Saubhagya Kumar Swain

.... ***Petitioner***
Mr. P. Anup Dash, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. P.C. Das, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
11.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This writ petition has been filed praying for a direction to the Opposite Parties to give promotion to the Petitioner, who is a member of State Police Force. It is further submits that promotion of the Petitioner to O.P.S. Group-A (Junior Branch) is withdrawn on the ground that Petitioner was involved in a criminal case. It is submitted that the Authorities may be directed to consider the case of the Petitioner for promotion. In this context, he has referred to the order of this Court in the case of ***Debi Prasad Dash vs. State of Odisha & others in W.P.(C) No.33626 of 2021.***

4. Learned counsel for the State on the other hand opposes the claim of the Petitioner stating that the allegation for which the Petitioner is facing criminal trial is under Section 376 I.P.C. Considering the nature and gravity of offences alleged against a person, who is a member of a disciplinary force, no such direction should be given by the Court. However the case of promotion of the Petitioner shall be considered along with others and that the DPC shall follow the seal cover procedure as envisaged in G.A & P.G. Department Office Memorandum No.3928/Gen., dated the 18th February, 1994.

5. Considering the submissions of the respective parties, this Court disposes of the writ petition directing the Opposite Parties to consider the promotion of the Petitioner in the DPC following the seal cover procedure, which shall continue till conclusion of criminal trial.

6. With the aforesaid observation, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge