

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 18691 of 2019

Sukanta Mohapatra

.....

Petitioner

Mr. P.P.K. Pandit, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

01.08.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the Order dated 17.09.2018 passed by the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 908 of 2016, by which the Tribunal came to a finding that it will not be possible to hold that the Petitioner had four outstanding CCRs as the CCR for the reporting year 2009-10 cannot be treated as Outstanding and accordingly dismissed the Original Application.

4. On perusal of the impugned order, it is seen that Petitioner's CCR for 2004-05, 2005-06 and 2006-07 were not available. He has got outstanding CCR for 2007-08, Outstanding/Good for 08 months/04 months for 2008-09, Outstanding/Very Good for 2009-10 and Outstanding for 2010-11. Out of the period from 2007-08 till 2010-11, he has got two clear Outstanding CCR for the entire

reporting period. But while examining the actual CCR for reporting year 2009-10, it is seen that for 8 months he has been considered as Excellent and for 04 months as Outstanding. Therefore, learned Counsel for the Petitioner contended that the entire period should have been considered as Outstanding as eight months have been considered as excellent. This rating is not available while awarding the rating in the CCR. Therefore, excellent cannot be equated with outstanding as such nomenclature is not available to rate an officer in the CCR. Therefore, the Tribunal is well justified in passing the order impugned.

5. In course of hearing, learned Counsel for the Petitioner contended that the Petitioner has already retired from service. Therefore, the question of promotion does not arise at this stage.

6. In view of such position, this Court is not inclined to interfere with the order passed by the Tribunal. Thus the Writ Petition merits no consideration and the same stands dismissed accordingly.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun/Banita