

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3858 of 2010

Guru Charan Behera

.....

Petitioner

Ms. B.K. Patnaik, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

*Mr. M. Balabantaray, Standing
Counsel*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

09.02.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Ms. B.K. Patnaik, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel for the State.

3. The petitioner files this writ petition seeking direction to the opposite parties to promote the petitioner to the rank of ASI of Police from the date when the juniors have got promotion. He further seeks to direct the opposite parties to grant all financial and consequential benefits flowing from the date of such promotion.

4. Ms. B.K. Patnaik, learned counsel for the petitioner contended that that the petitioner is entitled to get promotion to the post of ASI, but he has not been granted promotion, for which he approached this Court in the present writ petition.

5. Mr. M. Balabantaray, learned Standing Counsel for the State argued with vehemence, contending that the petitioner was penalized in a disciplinary proceeding by imposing three Black Marks in the year 2000, therefore, he has not been promoted.

6. Having heard learned counsel for the parties and after going through records, as it appears from the counter affidavit filed by the

opposite parties that the petitioner has no major/minor punishment during last five years, but prior to 5 years, he was awarded with 2 numbers of major punishment to his discredit. He was awarded with two Black Marks in Mayurbhanj District Prog. No. 30/1994 for indiscipline conduct for remaining unauthorized absent from duty and he was also awarded three Black Marks in Mayurbhanj District Prog No. 17/1998 for charge of gross misconduct and moral turpitude and falsely posting himself as R.T.O., staff for collection of Rs.500/- from pilgrim carrying buses. It is admitted that when the case for promotion was considered preceding five years he has no major/minor punishment imposed on him. Taking into consideration the penalty imposed prior to five years, it is stated that he has not been considered for promotion to the rank of ASI of Police. Fact remains, if the rule permits that the CCR of last five years is to be taken into consideration and as such there is no such major/minor punishment against him, the opposite parties cannot deny the promotion to the petitioner as claimed in the writ petition.

7. In that view of the matter, the writ petition stands disposed of directing the opposite parties to consider the case of the petitioner for promotion from the date his juniors were promoted taking into consideration the last five years CCR, as per the Rules, as expeditiously as possible, preferably within a period of four months from the date of communication of the order.

8. Issue urgent certified copy as per rules.