

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.2998 of 2015

Pramod Chandra Sahoo

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
05.07.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Samal, learned counsel for the Petitioner and Mr. Mohanty, learned standing counsel appearing for the Opp. Parties.
3. The Petitioner has filed the present writ Petition with the following prayer:-

“The applicants pray for the following reliefs:

- (i) *Admit and allow the Original Application;*
- (ii) *The Responents more particularly the Respondent No.2, 3 & 4 be directed to issue promotion order in favour of the applicant to the post of Level-IV Headmaster under the Respondent No. 4 forthwith as juniors to the applicant have already been promoted to the said post on 06.09.2014 but the applicant has been deprived of the same despite the fact that he has been found suitable by the DPC held on 03.01.2013; or in alternative the Original Application be disposed of at the stage of admission with a direction to the*

Respondent No. 2 & 3 to dispose of the representation of the applicant within a fortnight by treating the contents of the O.A. as a part thereof and communicate the decision to the applicant within the said stipulated period;

(iii) That, applicant also seeks the intervention of this Hon'ble Tribunal for issuance of such other appropriate direction as may be necessary in the facts and circumstances of the case."

4. It is submitted that in a proceeding of the District level promotion meeting held on 13.01.2013 under Annexure-2 though the Petitioner was found eligible for his promotion to the post of Level-IV under Talcher Education District, but the Petitioner was not given such promotion because of the fact that the Petitioner was continuing under suspension at the relevant point of time. It is further submitted that vide order dtd.16.01.2015 the Petitioner was reinstated in his service pending drawal of proceeding.

5. It is further submitted that after reinstatement till his retirement on 31.01.2019, no proceeding was initiated against the Petitioner. Accordingly, Mr. Samal prayed that since no proceeding was initiated against the Petitioner, the Petitioner should have been given promotion basing on the recommendation of the DPC after his reinstatement. Even though notice of the writ Petition was issued on 19.11.2015 with an observation that pendency shall not be a bar on the part of the Opp. Parties to consider the case of the Petitioner, but no decision was taken till the Petitioner retired from his service.

6. Heard learned counsel for the Parties. Taking into account the submission made by Mr. Samal that no proceeding was initiated against the Petitioner till his retirement, this Court while disposing the writ Petition directs the O.P. No. 3 to take effective steps and

extend the benefit of promotion in terms of the recommendation made by the DPC under Annexure-2, if there is no other legal impediment, within a period of three (3) months from the date of receipt of this order. The said Opp. Party is also directed to extend all service and financial benefits as due and admissible within a further period of three (3) months.

7. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha

