

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2204 of 2013

Binod Kumar Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
13.07.2022

Order No

07.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Jena, learned counsel for the Petitioner and Mr. Mishra, learned AGA appearing for the Opp. Parties.

3. The present writ Petition has been filed by the Petitioner with a prayer to quash the decision of the DPC held on 23.04.2013 under Annexure-2 and the promotion granted in favour of private O.P. No. 4 vide order dtd.23.04.2013 under Annexure-4.

4. It is submitted that even though the Petitioner had a good CCR, but in the DPC meeting held on 23.04.2013, the DPC did not consider the case of the Petitioner on the ground that the Petitioner has a controversial CCR.

5. Mr. Jena submitted that since there was no controversial CCR as against the Petitioner, the finding of the DPC is illegal and consequentially in not recommending his case for promotion is also illegal. But a counter affidavit was filed by the State Opp. Parties

indicating therein that the Petitioner was duly communicated with the adverse CCR for the year 2010-2011 and 2011-2012 vide letter dtd.03.08.2012. But the said fact was never disclosed by the Petitioner in the writ Petition. It is also fairly admitted by Mr. Jena that the adverse CCR till date has not been expunged. Accordingly, this Court is not inclined to allow the prayer made in the writ Petition.

6. However, since it is submitted that the Petitioner is going to retire on 31.07.2022 and save and except the adverse CCR for the year 2010-2011 and 2011-2012, the Petitioner has got a good CCR all through thereafter, this Court while disposing the writ Petition directs the O.P. No. 3 to consider the claim of the Petitioner for his promotion to the post of Head Clerk, if there is available vacancy at present prior to his attaining the age of superannuation.

7. It is observed that this Court has not expressed any opinion on the merits of this case. But the decision as directed be taken by O.P. No. 3 prior to 31.07.2022.

8. Issue urgent certified copy as per Rules.

(Biraja Prasanna Satapathy)
Judge

Sneha