

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32555 of 2022

Madhusudan Patra

....

Petitioner

*Ms. Kananbala Roy Choudhury,
Advocate*

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.12.2022

Order No.

01.

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

2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the writ petition as well as documents annexed to the writ petition.

3. The present writ petition has been filed by the petitioner with the following prayers:

“In the facts and under the circumstances stated above, the Hon’ble Court may graciously be pleased to admit this WRIT application and issue;

- a) Rule NISI calling upon the Opposite Parties as to why the petitioner shall not enjoy his right to promotion during pendency of proceedings/ case under Annexure-1 pending before special judge, vigilance, sundargarh.
- b) And if they fail to show cause or show insufficient cause make the Rule absolute
- c) Issue a writ in the nature of mandamus directing the Opposite Parties to allow the petitioner to get the benefit as reflected under Annexure-2.
- d) Issue any appropriate order/orders deemed fit in the fact and circumstances of the case.”

4. It is submitted by learned counsel for the petitioner that to fill up vacancy for the rank of S.I. of Police for the year 2023 by way of promotion among the eligible ASI of police mentioning Rolls of 465 eligible ASI of Police has been forwarded to police I.G. of Police (Personnel). She further submits that the name of the petitioner has also been forwarded for such consideration. However, the petitioner apprehends that in view of the letter dated 15.11.2022, the authorities have called for records of Departmental Proceedings/Vigilance/Criminal/HRPC related cases, the case of the petitioner may not be considered by the Departmental Promotion Committee (DPC) for promotion to the rank of S.I. of Police.

5. Learned counsel for the State, on the other hand, submits that any such type of cases usually the procedure followed by the DPC first by taking resort to seal cover procedure. Accordingly, petitioner's case DPC shall also follow the seal cover procedure.

6. In such view of the matter, the writ petition is disposed of at the stage of admission by directing the DPC to consider the case of the petitioner and in the event any criminal or departmental proceeding is pending against the petitioner, then the DPC shall do well to adopt the sealed cover procedure so far as the present petitioner is concerned which will be subject to final outcome of the disciplinary or criminal procedure pending before the appropriate authority/court.

7. With the aforesaid observation/direction, the writ petition stands disposed.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

