IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36852 of 2026

CNR No. ODHC010863202026

Prafulla Kumar Nayak .... ***Petitioner***

Mr. S. Mallik, Advocate

-versus-

State of Odisha & Ors.

.... ***Opposite Parties***

Dr. P.P. Behera, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.11.2026

Order No.

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

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"Under the aforesaid facts and circumstance the petitioner humbly prays that this Hon'ble court may graciously be pleased to,*
>
> *I) Quash the impugned order dt.29.4.2025 under annexure-6.*
>
> *II) Direct/order that the petitioner shall be promoted to the rank of Assistant Executive Engineer (PH) w.e.f.17.12.2021 with consequential service and monetary benefits with concurrent direction that the differential arrear salary shall carry 12% interest thereon.*
>
> *III) Direct/order that consequent upon retrospective promotion w.e.f. 17.12.2021, the pension and other post-retirement benefits shall be revised.*

IV) Pass such other orders as may be deemed fit and proper in the interest of justice.

And for this act of kindness the petitioner as in duty bound shall ever pray."

4. It is contended that vide order dtd.29.04.2025 so passed by Opposite Party No.1 under Annexure-6, Petitioner though was given the benefit of promotion w.e.f. 31.01.2023, in the rank of Asst. Executive Engineer (PHD) but with the condition that Petitioner will not get any financial benefit, but Petitioner in fact is entitled to get such benefit of promotion w.e.f. 17.12.2021.

4.1. It is further contended that even though such a prayer was made to extend him with the benefit of promotion w.e.f. 17.12.2021 after his acquittal in the criminal proceeding, but Petitioner has been extended with the said benefit w.e.f. 31.01.2023 on notional basis vide order dtd.29.04.2025 under Annexure-6.

4.2. It is accordingly contended that Opposite Party No.1 be directed to extend such benefit on notional basis w.e.f. 17.12.2021 in place of 31.01.2023.

5. Learned Addl. Standing Counsel for the State on the other hand contended that since Petitioner has not raised any grievance, seeking modification of the order dtd.29.04.2025, the Writ Petition is pre-mature in nature and not entertainable.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while disposing the Writ Petition permits the Petitioner to make a fresh grievance before Opposite Party No.1 to ante-date the date of promotion to 17.12.2021 in place of 31.01.2023 on notional basis.

6.1. It is observed that if any such application will be filed within a period of three (3) weeks hence, Opp. Party No.1 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such application. The order so passed by Opp. Party No.1 be communicated to the Petitioner.

6.2. It is further contended that while taking such a decision, relevancy and effect of the Memorandum issued by the Government on 04.07.1978 under Annexure-4 and 18.02.1994 under Annexure-5 be taken into consideration, if applicable to the Petitioner's claim. Petitioner is directed to provide copy of this order along with copy of Annexures-4 and 5 before Opposite Party No.1 for compliance.

7. With the aforesaid observation and direction, the Writ Petition is disposed of.

Signature Not Verified
Digitally Signed
Signed by: SUBRAT KUMAR PARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 13-Nov-2026 15:15:52
Subrat

(Biraja Prasanna Satapathy)
Judge