

05. 30.09.2020

This matter is taken up through video conferencing.

2. Heard learned counsel for the petitioner and Mr.B.Dash, learned Central Government Counsel.

3. This Writ Petition has been filed by the petitioner challenging the order dated 13.05.2020 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.453 of 2015.

4. Mr.B.Dash, learned Central Government Counsel submitted that a criminal case having been initiated against the petitioner, his case for promotion was kept in a sealed cover. The request of the petitioner for opening the sealed cover having been turned down, earlier he had approached the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.169 of 2015, which was disposed of on 08.04.2015 with a direction to consider the representation of the petitioner dated 29.12.2014. Pursuant to the said order, the representation of the petitioner was duly considered but his request could not be acceded to. Being aggrieved, the petitioner again approached the learned Tribunal in O.A. No.453 of 2015 with a prayer to promote him to the Grade of Joint Commissioner with all consequential service and financial benefits retrospectively. The learned Tribunal by the impugned order rejected the prayer of the petitioner, which is under challenge in the present Writ Petition.

5. Learned counsel for the petitioner submitted that a criminal proceeding is pending before the Calcutta High Court and the Department has not taken any step for disposal of the same,

even though it is pending years together. The Review D.P.C has not been held as per the prescribed Rules. He further submitted that the petitioner has retired from service w.e.f. 31st July, 2015 on attaining the age of superannuation and in the meanwhile five years have been lapsed.

6. In view of the above facts and circumstances, this Court disposes of this Writ Petition with a direction to the opposite parties to hold the Departmental Promotion Committee in terms of the observation made by the Apex Court in the case of *Harsh Kumar Sharma IFS Vs. State of Punjab and another* reported in (2017) 4 SCC 366 and thereafter take consequential steps in accordance with law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. As the lock down period is continuing for COVID-19 the petitioner may utilize the soft copy of this order available in the High Court's website or print thereof at par with the certified copy in the manner prescribed, vide Court's notice No.4587, dated 25.03.2020.

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S.Panda, J.

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S.K.Panigrahi, J.

