

IN THE HIGH COURT OF ORISSA AT CUTTACK

ORIGINAL JURISDICTION

W.P. (C) No. 1388 of 2022

Code No: Code No: 310707

IN THE MATTER OF : An application under Article 226 & 227 of the Constitution of India; and

IN THE MATTER OF: Seeking Redressal of Legitimate Grievance is a Constitutional Rights of the petitioner under Article 350 of the Constitution of India read with Government Order issued vide Ministry of Personnel PG & Pension OM No F. No. K-12011/15/96-PG dated 06.01.1997; and

Presented in Court


B.O.

IN THE MATTER OF: Petitioner had made representations to incorporate Government decision, in the Recruitment Rules and in policy letters, on transfer on deputation / re-employment of Armed Forces Clerk Category. However, Opposite Parties were failed to dispose of the petitions after taking considerable time beyond the laid down time period, which infringed the Constitutional Rights of the petitioner, "Right to Seek Redressal of Legitimate Grievance" under Article 350 of the Constitution of India; and

IN THE MATTER OF: Issue necessary direction(s) to Opposite Party 1 to issue necessary amendment to incorporate Government decision, in the Recruitment Rules policy letters on the subject.



Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



1. Priyadarsan Pradhan, aged about 41 years, S/o Manguli Pradhan, serving in the Indian Army (Army No 9513032X, Rank-Havildara), presently posted with HQ Eastern Command, Fort William, Kolkata-21, Permanent resident of Vill/PO- Chhatipur, PS- Khordha Sadar, Distt – Khordha, PIN – 752060 (Odisha), e-mail -priyanarmy@yahoo.com, Mob No -7710866430

.... Petitioner

-VERSUS-

1. Union of India, through Secretary, Ministry of Personnel, Public Grievances, Department of Personnel and Training, North Block, new Delhi-110 001, Phone No 011 23092338, e-mail diradmin@nic.in
2. Ministry of Parliamentary Affairs, through Secretary, 40, Parliament House, New Delhi-110001, Phone No 011-23017663, e-mail - secymapa@nic.in
3. Department of Ex-servicemen Welfare, Ministry of Defence, through Director General Resettlement, West Block-IV, R.K. Puram, New Delhi - 66, Phone No 011-26192351, e-mail - dgr@desw.gov.in
4. Department of Military Affairs, Ministry of Defence, through Joint Secretary Army & TA, South Block, new Delhi, Pin- 110011, Phone No 011-23010344, e-mail - jsarmy-dma@gov.in

....Opp. Parties

To "Certified that That no proceeding on the same subject matter has been previously instituted in this Hon'ble High Court"

The Hon'ble Chief Justice of the High Court of Orissa and his companion justices of the said Hon'ble Court

The humble petition of the
Petitioner above named.

Priyadarsan Pradhan

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTACK
Date: 10-Jun-2025 15:07:33



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1388 of 2022

Priyadarsan Pradhan

.....

Petitioner
(In person)

-Versus-

Union of India & others

.....

Opp. Parties
Mr. S.S. Kashyap,
Central Government Counsel

CORAM:

**JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO**

ORDER
20.03.2023

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard the petitioner in person and also Mr. S.S. Kashyap, learned Central Government Counsel appearing on advance notice.
3. The grievance of the petitioner falls within a short compass. The petitioner had represented to the competent authorities for incorporation the policy of re-employment for the Armed Forces Clerk Category in the respective recruitment rules. The petitioner has averred that by the Office Memorandum dated 01.05.1986, issued by the Ministry of Personnel, PG and Pensions (Department of Personnel and Training), it has been declared that in order to bring about

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



uniformity, the recruitment rules be amended by incorporating the lateral induction of the Armed Forces personnel. In the said Office Memorandum, it has been further provided that the Armed Forces personnel who are due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualifications, as prescribed, shall also be considered for such lateral entries or re-employment. It has been clarified by the said order dated 01.05.1986 that such persons may be given deputation terms upto the date on which they are due for release from the Armed Forces. Thereafter, they may be continued on re-employment.

4. The petitioner has contended that for the Armed Forces Personnel in the Clerk grade, such incorporation has not been carried out. In this regard, he has also drawn our attention to the Office Memorandum dated 04.07.2014 as issued by the Ministry of Personnel, PG and Pensions, Department of Personnel & Training, Annexure-8 to the writ petition. By the said Office Memorandum, the concerned Ministries and Departments were asked to review their existing rules and notify the revised rules conforming to the Model Recruitment Rules. Despite such initiatives taken by the Department of Personnel & Training, the concerned recruitment rules have not

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



been amended for bringing about uniformity. The Model Recruitment

Rules has been annexed with the Office Memorandum dated 04.07.2014. The said Recruitment Rules are for Staff Car Driver (Ordinary Grade). Similar Rules have not been notified in respect of the clerk grade. Unless such amendment is carried out, the petitioner's apprehension is that, he will not be considered for deputation or re-employment as per the Policy as adopted by the Government of India, Ministry of Personnel, PG and Pensions.

5. The petitioner has drawn our further attention to the Office Memorandum dated 18.12.2007, Annexure-9 to the writ petition, as in view of the petitioner, the said Memorandum has been issued in order to expedite the process of amendment in the recruitment rules in respect of Lower Division Clerk/Upper Division Clerk (the clerk grade). With the said Memorandum, model rules have been forwarded for framing and amending the existing rules by the respective Ministries and Departments. It has been instructed that in case of modification, the proposal should be sent to this Department for approval before effecting any modification.

6. It is apparent from the recruitment rules for the posts of Lower Divisions Clerk and Upper Division Clerk that, there is no provision for lateral induction by way of deputation or re-employment.

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



7. According to the petitioner, he has filed several representations to the competent authorities vide Annexures-2, 3, 4 & 5 of this petition. But those representations have not been disposed of, at least, no communication has been made by the authority.

8. It has been stated by the petitioner that he is due to retire on 27.01.2027. Unless the similar amendment is carried out, he might suffer serious detriment.

9. Having regard to the general policy as adopted by the Office Memorandum dated 01.05.1986 and Office Memorandum No.6/8/2009-Estt. (Pay II) dated 17.06.2010, we direct the opposite party No.1 to consider the representations of the petitioner.

10. It is also clarified that the uniformity as brought about in the other cadres, pursuant to the said Policy, shall be in the centre of consideration at the time of disposing the representations.

11. We further direct that such representations or the prayer of the petitioner for incorporating the similar provision, as referred above, be considered within a period of three months from today.

12. In the above terms, the writ petition stands disposed of.

13. A free copy of this order be supplied to Mr. S.S. Kashyap,

1. Joint Central Government Counsel.

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33

14. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Subhasis



Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



HIGH COURT OF ORISSA

Copy Application No. : 45987/2025

Date of Notification : NA

Date of Supply : NA

Date of Application : 10/06/2025

Date of Ready : 10/06/2025

Date of Delivery : 10/06/2025



Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:07:33



Signature valid

Digitally Signed
Signed by: THUMPU MAJHI
Designation: SUPERINTENDENT (IC)
Reason: EXAMINED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:12:39



Signature valid

Digitally Signed
Signed by: LAXMIDHAR MOHAPATRA
Designation: ASST. REGISTRAR (ESTT.)
Reason: CERT. TO BE A TRUE COPY AUTH. N/S.
75,BSA,2023
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Jun-2025 15:15:55

