



IN THE HIGH COURT OF ORISSA AT CUTTACK

AFR

W.A Nos.1672, 1602, 1613, 1620, 1621, 1622, 1623,
1624, 1625, 1627, 1628, 1629, 1637, 1638, 1639, 1640,
1641, 1644, 1647, 1648, 1649, 1651, 1655, 1657, 1658,
1659, 1660, 1662, 1663, 1664, 1665, 1666, 1667, 1668,
1670, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690,
1692, 1693, 1698, 1700, 1701, 1702 & 1703 of 2025

In the matter of appeals under Section-10 of the Letters Patent of Patna High Court read with Article-4 the Orissa High Court Rules, 1948.

*1. State of Odisha, represented through
the Secretary to Government in Home
Department;*

*2. Director General & Inspector
General of Police, Odisha;*

*3. Dy. Inspector General of Police
(Personnel), Odisha; and*

*4. Dy. Commissioner of Police, UPD,
Cuttack (In all WAs)*

.... *Appellants*

-versus-

Mandakini Guru

(In W.A. No.1672/2025)

Kabita Nayak

(In W.A. No.1602/2025)

Ananta Narayan Naik

(In W.A. No.1613/2025)

Rabindra Mundari

(In W.A. No.1620/2025)

Bipin Bihari Dehury



(In W.A. No.1621/2025)

Shaikh Ajharuddin

(In W.A. No.1622/2025)

Lipsa Das

(In W.A. No.1623/2025)

Bhaskar Mania

(In W.A. No.1624/2025)

Srikanta Sahoo

(In W.A. No.1625/2025)

Priyadarsinee Sahoo

(In W.A. No.1627/2025)

Satyajit Benia

(In W.A. No.1628/2025)

Raja Ranjan Nayak

(In W.A. No.1629/2025)

Bikash Ku. Pradhan

(In W.A. No.1637/2025)

Digbijayani Bagha

(In W.A. No.1638/2025)

Soumya Ranjan Pati

(In W.A. No.1639/2025)

Braja Kishore Panda

(In W.A. No.1640/2025)

Dipak Rout

(In W.A. No.1641/2025)

Kaisorika Routray

(In W.A. No.1644/2025)

Sakuntala Das

(In W.A. No.1647/2025)

Bibhuti Ku. Biswal

(In W.A. No.1648/2025)

Baidyanath Soren

(In W.A. No.1649/2025)

Taswar Ali Khan

(In W.A. No.1651/2025)



Anil Ku. Sahoo

(In W.A. No.1655/2025)

Dillip Ku. Behera

(In W.A. No.1657/2025)

Golaka Bihari Pradhan

(In W.A. No.1658/2025)

Manas Ranjan Panda

(In W.A. No.1659/2025)

Biswajit Biswal

(In W.A. No.1660/2025)

Mohini Mallik

(In W.A. No.1662/2025)

Jiwan Lakra

(In W.A. No.1663/2025)

Binayak Mantri

(In W.A. No.1664/2025)

Karan Marandi

(In W.A. No.1665/2025)

Debadata Samantaray

(In W.A. No.1666/2025)

Jugeswar Behera

(In W.A. No.1667/2025)

Keshab Chandra Behera

(In W.A. No.1668/2025)

Shovan Ku. Swain

(In W.A. No.1670/2025)

Silulata Mallick

(In W.A. No.1683/2025)

Reenakanti Dundung

(In W.A. No.1684/2025)

Jyotsna Rane Pradhan

(In W.A. No.1685/2025)

Nirupama Mahapatra

(In W.A. No.1686/2025)

Janmita Sasmal



(In W.A. No.1687/2025)

Budharay Majhi

(In W.A. No.1688/2025)

Sanjukta Behera

(In W.A. No.1689/2025)

Pusparani Naik

(In W.A. No.1690/2025)

Itepriya Das

(In W.A. No.1692/2025)

Monalisa Pradhan

(In W.A. No.1693/2025)

Mahimai Hembram

(In W.A. No.1698/2025)

Jayashree Das

(In W.A. No.1700/2025)

Subash Chamdra Muduli

(In W.A. No.1701/2025)

Basudha Khuntia

(In W.A. No.1702/2025)

Manorama Swain

(In W.A. No.1703/2025)

.... ***Respondents***

Advocates Appeared in this case

For Appellants - Mr.Satya Brata Mohanty,
Addl. Government Advocate
(In all WAs)

For Respondents - Mr.Asok Ku. Mohanty,
Sr. Advocate
M/s.Srinivas Mohanty,
K.Patra, S.R. Mohanty,
E. Dash. A.Ray & A. Pati



Advocates in all WAs except
W.A. Nos.1659 & 1667/2025

Mr.Anshuman Ray & A. Pati
Advocates in W.A. Nos.1659 &
1667/2025

CORAM :

MR. JUSTICE KRISHNA SHRIPAD DIXIT
MR. JUSTICE CHITTARANJAN DASH

Date of Hearing : 17.02.2026 : Date of Judgment : 19.02.2026

PER KRISHNA S. DIXIT, J.

We prelude this judgment with what **C. Rajgopalachari**
(1878-1972) had cautioned **Mahatma Gandhi**:

"We ought all to know that Swaraj will not at once or think, even for a long time to come, be better government or greater happiness for the people. Elections and their corruptions, injustice and the power and tyranny of wealth and inefficiency of administration will make a hell of life so soon as freedom is given to us..."¹

All these intra-court Appeals by the State & its functionaries seek to lay challenge to a set of two judgments dated 20.09.2025 & 26.09.2025 entered by the learned Single Judge whereby the subject Writ Petitions filed by the Respondent-employees having been favoured, they have been permitted to file their Property Declarations beyond the timeline extended by the Government.

¹ C. Rajagopalachar's Jail Diary, published 1922, Pg. 63-64.



2. Learned AGA appearing for the State & its officials vehemently urged the following points for consideration:

2.1. Rule 21(4) of the Orissa Government Servants' Conduct Rules, 1959 as a matter of policy requires every civil servant to declare assets & liabilities on or before 31st day of January of every year or within such period as may be extended by the Government under Rule 31; this Rule by its very nature is mandatory; this aspect having not been properly appreciated by the learned Single Judge, an error of gross magnitude has crept in the impugned judgment warranting interference of this Court, to set the same at right.

2.2. The principal Rules have been amended vide Amendment Rules 2021 with effect from 24.06.2021 making the filing of declaration of assets in terms of Rule 21(4) a prerequisite for promotion; merely because meeting of the DPC is deferred or adjourned, that would not elongate the period prescribed under the subject Rule for filing of Property Declaration; even this aspect of the matter, the learned Single Judge failed to appreciate.

2.3. The Coordinate Bench's interim order dated 07.01.2026 cannot be construed as relaxing the period prescribed by the extant Rules for filing of the Property Declaration, in any



event, the submission of learned AGA as to the extension of the period for filing such Declaration, was neither authorized nor justified in the teeth of said Rules and therefore, that could not be the basis for upholding the impugned judgment.

3. Learned counsel appearing for the Respondent-employees made the following submissions in justification of the impugned judgment:

3.1. The Rules requiring the filing of Property Declaration even if held to be mandatory, the prescription of period for doing it is only directory and therefore, belated filing of the declaration cannot be faltered.

3.2. In any circumstance, the Respondents having filed their Property Declaration within the extended period, are entitled to stake their claim for promotion to the Post of Inspector of Police; therefore, a direction needs to be issued to constitute DPC at the earliest.

3.3. Because of field work, most of the Respondents skipped the prescribed date for filing of Property Declaration and therefore, their belated filing has to be accepted as sufficient compliance keeping in view justice & equity and more particularly, in the absence of any prejudice to the public interest.



4. Having heard learned counsel for the parties and having perused the appeal papers, we are inclined to grant indulgence in the matter as under and for the following reasons:

4.1. A THUMBNAIL DESCRIPTION OF RULE POSITION:

4.1.1. The 1959 Rules have been promulgated by the State Government under the Proviso to Article 309 of the Constitution of India. Rule-21 has been extensively amended vide Notification No16105 PTI-GAD-SC-DMC-0128-2014/Gen. dated 24.06.2021. Relevant part of this Rule is reproduced for the ease of reference:

21. (1) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift or otherwise either in his own name or in the name of any member of his family:

(Two Provisos and the Explanation to this Sub-Rule not being much relevant, are not reproduced).

Rule-21(2): The Government employee shall intimate any such transaction immediately to the Head of Office besides mentioning such transaction in the annual property return.

Rule-21 (3) : Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of any member of his family, he shall forthwith report such transaction to the prescribed authority referred to in sub-rule (1), if the value of such property exceeds two months' basic pay of the Government servant or as may be decided by the Government from time to time by order published to this effect in the Odisha Gazette.



Rule-21(4) : Every Government servant, from the level of Group-A to Group-D is required to make a true and complete declaration of all his assets, movable and immovable, and the value thereof as on the 1st January every year ONLINE in HRMS Portal on or before the 31 January of that year. The declaration shall contain detailed particulars of the officer's assets and must include and specify the assets which are held by him or in the name of his Wife, Children and other dependants. In case of female Govt. servants, in the declaration there shall be specific mention as to whether the same has been acquired out of her own source or from her husband's source. The return shall be placed in the public domain for access of public. A copy of the return shall also be accessible to the Lokayukta for his information. In the event of failure to file property return in time, the concerned Govt. servants shall be liable to disciplinary action. An employee making a declaration found to be materially incomplete, misleading or false shall be liable for disciplinary action in a major penalty proceeding under the provisions of respective disciplinary Rules. Besides up to date filing of property return will be a prerequisite for promotion...."

4.1.2. There are five Notes to the Sub-Rule 4 of Rule 21 of 1959 Rules as amended from time to time. Note-(1) provides for Judicial Officers and the officers on deputation or temporary transfer to another cadre filing Property Declaration ONLINE on or before 31st January of the year. Note-(2) provides for filing of Property Declaration by the fresh recruits within three months of their appointment. Added, they have to file a regular Property Declaration on or before 31st January of the year. Note-(3) provides for making a suitable provision by the CMGI in HRMS to enable the above requirement of submission of Property Declaration ONLINE by the Government servants and making them accessible to



Public and Lokayukta. Note-(4) says that the PAR custodians of the Department (for Group-B, C & D) shall download and authenticate the Property Declaration in case the same are required for Disciplinary Proceeding or in Criminal Case. Note-(5) reads that for Group-D employees, the Officer-in-Charge of the establishment shall upload the Property Declaration on obtaining the same from those who cannot do it ONLINE in HRMS.

4.1.3. The Property Declarations have to be filed in the prescribed form at APPENDIX to the 1959 Rules, which has two parts: Part-A prescribes particulars of immovable property in a generic way whereas Part-B relates to particulars of movable property. The E-Form is a bit variable, is true. Rule 31 empowers the Government to relax all or any of the provisions of these Rules, as may be deemed fit. Rule 33 provides for delegation of power by the Government to any other officer or authority as may be specified by it, save with Rule 21. Lastly, Rule 32 makes the Government the final authority to interpret the provisions of all the Rules. It need not be said that it is the Government which is in these Appeals, with its view of these Rules.

4.2. CORRUPTION IN PUBLIC LIFE & ENORMITY OF ITS IMPACT ON THE POLITY:



4.2.1. The Apex Court, in a catena of decisions, has expressed its deep anguish against the growing trends of corruption and bribery in all branches of “Powers That Be”. In *Vineet Narain v. Union of India*², it observed as under:

“...The adverse impact of lack of probity in public life leading to a high degree of corruption is manifold. It also has adverse effect on foreign investment and funding from the International Monetary Fund and the World Bank who have warned that future aid to under-developed countries may be subject to the requisite steps being taken to eradicate corruption, which prevents international aid from reaching those for whom it is meant. Increasing corruption has led to investigative journalism which is of value to a free society. The need to highlight corruption in public life through the medium of public interest litigation invoking judicial review may be frequent in India but is not unknown in other countries: R v Secretary of State for Foreign and Commonwealth Affairs, (1995) 1 WLR 386.

...It cannot be doubted that there is a serious human rights aspect involved in such a proceeding because the prevailing corruption in public life, if permitted to continue unchecked, has ultimately the deleterious effect of eroding the Indian polity...”

4.2.2. In *Yogendra Kumar Jaiswal v. State of Bihar*³, it has been said as under:

“Corruption, a ‘noun’ when assumes all the characteristics of a ‘verb’, becomes self-infective and also develops resistance to antibiotics. In such a situation the disguised protagonist never puts a Hamletian question - “to be or not to be” - but marches ahead with perverted proclivity - sans concern, sans care for collective interest, and irrefragably without conscience. In a way, corruption becomes a national economic terror. This social calamity warrants a different control...”

². AIR 1998 SC 889.

³. (2016) 3 SCC 183.



In *Niranjan Hemchandra Sashittal v. State of Maharashtra*⁴, the Constitution Bench of the Apex Court has made the following observations:

“20. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance. It is worth noting that immoral acquisition of wealth destroys the energy of the people believing in honesty, and history records with agony how they have suffered. The only redeeming fact is that collective sensibility respects such suffering as it is in consonance with the constitutional morality...”

4.2.3. Mr. Kofi A. Annan, the then Secretary General of U.N, in his Foreword to United Nations Convention against Corruption, 2004, wrote:

“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.

This evil phenomenon is found in all countries big and small, rich and poor but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.

I am therefore very happy that we now have a new instrument to address this scourge at the global level. The adoption of the United

⁴. AIR 2013 SC 1682.



Nations Convention against Corruption will send a clear message that the international community is determined to prevent and control corruption. It will warn the corrupt that betrayal of the public trust will no longer be tolerated. And it will reaffirm the importance of core values such as honesty, respect for the rule of law, accountability and transparency in promoting development and making the world a better place for all."

4.2.4. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India*⁵, made the following post script observations:

"23.1 Corruption is a result of greed and envy which give rise to an unhealthy competition to be acquisitive of material assets beyond known sources of income. A person may compete with another so as to portray materialistic superiority. This may result in acquiring wealth illegally. One's attitude of greed and envy ought to be curbed and erased from one's mind, otherwise corruption and bribery resulting in acquisition of wealth beyond the known sources of income cannot be reduced nor removed from our governance. One of the ways in which such tendencies could be curbed is to develop and enhance a spiritual bent of mind resulting in detachment from materialistic possessions and thereby, inter alia, focusing on service to the Nation.

23.2 The youth and the children of this country ought to shun anything acquired beyond the known sources of income by their parents and guardians rather than being beneficiaries of the same. This would be of a seminal service rendered by them not only towards good governance but also to the Nation."

4.2.5. It is in the light of ever growing cancer of corruption & bribery, several preventive measures have been taken by the State entities. One of them is to bring probity & transparency in the realm of public service. Rules of 1959 kind

⁵. 2026 INSC 55.



are promulgated to achieve that laudable object. Such Rules therefore have to be enforced in their letter & spirit. Otherwise, their very object will be defeated. When the Rules provide for taking disciplinary action for non-filing of Property Declaration and further denial of promotion on that count alone, the impugned judgment bestowing benefit on the unscrupulous public servants runs repugnant to the intent & policy content of the subject Rules. It is nothing short of placing premium on illegality, to say the least.

4.3. AS TO EXTENSION OF PERIOD FOR FILING OF PROPERTY DECLARATION:

4.3.1. As already mentioned, Rule 31 of 1959 Rules provides for relaxation of any of the Rules by the Government and accordingly, post amendment representations were made by the Orissa Administrative Service Association (OASA) requesting for extension of the deadline for submitting the Annual Property Declaration for the year 2024. At the Secretariat level, a note was put up before the Hon'ble Chief Minister as under:

"Keeping in view of above, the Odisha Administrative Service Association (OASA) has requested regarding extension of the dateline to submit the Annual Property Statement for 2024. As ascertained from the online database of the HRMS portal as on 31.01.2025, 321068 numbers of Government employees have submitted their Annual Property Statement out of 741339



employees which is less than 50% and very poor in filing of Annual Property Statement for the year, 2024.

As such, the date line for submission of Property Returns by the State Government Officers for the year 2024 may be allowed another two months, in order give another chance to the defaulting employees to submit their property statements through HRMS Web Portal."

4.3.2. The Chief Minister, vide Noting 417, approved the proposal on 07.02.2025 extending the timeline up to 28.02.2025. Accordingly, the information was webhosted for the benefit of all employees and many took benefit of that. Subsequently, vide Noting 461, the same came to be further extended to 31.05.2025 with the approval of the Chief Minister dated 17.04.2025. The benefit of this too was availed by a chunk of employees. These two extensions are confined to the year 2024, and not for the subsequent year, i.e., 2025, as rightly submitted by learned AGA. It is not disputed by the learned counsel appearing for the Respondent-employees that no Property Declarations were filed by them during the first & second extensions. Their plea that all they were in the field work and therefore, could not file the Declarations in the extended timeline, is nothing but a ruse.

4.4. AS TO SUBJECT RULES BEING DIRECTORY, AND NOT MANDATORY:



4.4.1. In Justice G.P. Singh's Principles of Statutory of Interpretation, 13th Edition at Page 394-395, it is observed as under:

"The question as to whether a statute is mandatory or directory depends upon the intent of the Legislature and not upon the language in which the intent is clothed. The meaning and intention of the Legislature must govern, and these are to be ascertained not only from the phraseology of the provision, but also by considering its nature, its design, and the consequences which would follow from construing it the one way or the other. For ascertaining the real intention of the Legislature, the court may consider inter alia, the nature and design of the statute, and the consequences which would follow from construing it the one way or the other; the impact of other provisions whereby the necessity of complying with the provisions in question is avoided; the circumstances, namely, that the statute provides for a contingency of the non-compliance with the provisions; the fact that the non-compliance with the provisions is or is not visited by some penalty; the serious or the trivial consequences, that flow therefrom; and above all, whether the object of the legislation will be defeated or furthered. If object of the enactment will be defeated by holding the same directory, it will be construed as mandatory, whereas if by holding it mandatory serious general inconvenience will be created to innocent persons without very much furthering the object of enactment, the same will be construed as directory. But all this does not mean that the language used is to be ignored but only that the prima facie inference of the intention of the Legislature arising from the words used may be displaced by considering the nature of the enactment, its design and the consequences flowing from alternative constructions...."

4.4.2. The vehement submission of learned counsel appearing for the employees, that the requirement of filing Property Declaration in terms of the subject Rules is only directory, is difficult to agree with. Firstly, the text of the concerned Rules, which have been reproduced above, is couched in mandatory language. The provisions of the Rules employ the word 'shall'



at several places. Secondly, the consequences of non-filing of the Declarations are severely stated. It leads not only to denial of promotional opportunity but institution of disciplinary action. Thirdly, copies of Declaration go to Lokayukta and to the Public Domain.

4.4.3. Added to the above, the Rules requiring compulsory filing of Property Declaration are consistent with International Conventions of the United Nations. The Apex Court in *Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey*⁶, has said that in *the absence of contrary legislation, municipal Courts in India would respect the rules of International Law*, which would include the International Conventions & Treaties. In interpreting Rules of the kind, Courts would so construe them, if possible, as will not violate any established principle of International Law. The Property Declaration of a public servant shall avail in public domain so that such public servants are under a continuous glare of public eye. Any member of the public can scrutinize the same and bring to the notice of concerned higher-ups, if declaration is defective or deceptive. It is almost on par with the declaration of assets & liabilities by the People's Representatives (MPs & MLAs) *inter alia* under Section 33-B of the Representation of the People Act,

⁶ AIR 1984 SC 667 (Para 6).



1951 read with the Election Code of Conduct promulgated by the Election Commission of India.

4.5. AS TO FURTHER EXTENSION OF TIMELINE BEYOND 31.05.2025:

4.5.1. The vehement submission of learned advocates for the Respondent-employees that the period for filing the Property Declaration has been extended indefinitely pursuant to Office Memorandum dated 27.11.2025, is bit difficult to countenance. This submission they made, by placing reliance on Clarification-3 in the said Memorandum. Learned AGA placed reliance on Clarifications-1 & 2 of the said instrument, on the other hand. For ease of reference, all the three Clarifications are reproduced below:

"1. As per the Odisha Civil Services (Criteria for Promotion) Rules, 1992, selection for promotion shall be made based on merit and suitability in all respects with due regard to seniority. Accordingly, any Government employee who has not submitted the up-to-date property return at the time of DPC shall be treated as 'not suitable' for promotion in that DPC.

2. The DPC shall proceed to fill up the available vacancies based on eligibility and suitability of the employees who have complied with the property return requirements. No vacancy shall be kept unfilled or reserved for consideration of promotion of employees who failed to submit up-to-date property returns.

3. If any defaulting employee submits the required property returns after the DPC within a grace period allowed by the Government, and is found otherwise suitable for promotion, his/her promotion may be considered in the subsequent DPC. He/she may be granted notional



promotion from the date on which his/her junior was promoted and his Seniority shall be maintained."

A careful perusal of above paragraphs does not lend credence to the contention advanced on behalf of the employees. There is nothing to show that the Government has further extended the timeline beyond 31.05.2025.

4.5.2. Added to the above, the aforesaid 2025 Office Memorandum has been issued by the Additional Chief Secretary to Government whereas the two extensions granted to the employees for filing Property Declaration were the result of decision making by a bunch of Secretaries with the approval of Chief Minister. We have not been shown under what provisions of the extant Rules including those relating to Allocation of Business, the Additional Chief Secretary could unilaterally take any decision to extend the period for belated filing of Declaration. We repeat that he has not granted such extension of prescribed timeline beyond 31.05.2025. The contention runs counter to the enormity of significance that the extant Rule as amended in 2021 attaches to the statutory duty of filing Property Declaration. Lastly, instruments of the kind cannot be construed in a sectarian way; all its parts have to be construed consistent with each other. If that is done, there is no



scope for the kind of interpretation which learned advocates representing the Respondents seek to place on this instrument.

4.5.3. The vehement submission of learned Sr. Advocate Mr. Asok Mohanty representing the Respondent-employees that the order dated 07.01.2026 made in W.A. No.1672 of 2025 would come to the aid of his clients, again does not gain our acceptance. Paragraphs 1, 2 & 3 of the said order read as follows:-

"1. Our attention is drawn at the Bar to circular dated 27th November, 2025 issued by the Additional Chief Secretary to Government in General Administration and Public Grievance Department, Government of Odisha, wherein those who would submit the property statement details within the grace period, their cases will be considered for promotion with retrospective effect and they will be given notional promotion.

2. It is submitted by Mr.Saswat Das, learned Addl. Government Advocate that by virtue of subsequent circular (s) and/or letter (s), the time to submit the property details for the year 2024 has been extended till 31st January, 2026. The submission was made by the learned Addl. Government Advocate that the employees who could not upload their property details online may be permitted to upload those details as provided in the amendment to the Odisha Government Servant's Conduct Rules, 1959 carried out in the year, 2021.

3. Since the period has been extended till 31st January, 2026, we direct the writ petitioners-respondents who have not uploaded their property details online shall upload the property details within the time as indicated hereinabove. After uploading all the details, the grievance so raised shall be considered by this Court on the basis of circulars/letters issued by the Department from time to time."



The above observations are made on the offhand submission of learned AGA, who had appeared for the State at that stage of the proceedings. Learned AGA Mr. Mohanty, on being asked, submitted that the said AGA had no instructions, much less justification for making the said submission. He is also right in telling us that the said order is made during the pendency of Appeals and therefore, cannot be treated as creating any concrete right in favour of the employees, when the main matter was yet to be heard.

4.6. AS TO STATE BEING A MODEL EMPLOYER HAS TO BE SOFT & SYMPATHETIC TO THE PUBLIC SERVANTS:

4.6.1. The last contention on behalf of the Respondent-employees that ours being a Welfare State and judiciary being one of its institutions, has power to extend the deadline for filing the Property Declaration and that accordingly learned Single Judge has made the impugned judgment, does not merit acceptance. Reasons for this are not far to seek: Firstly, the power to relax is given to the Government under Rule-31 of 1959 Rules. In exercise of that power, twice the extension was granted by the Government, as already discussed. There is absolutely no justification whatsoever for the Writ Court to assume the powers of Executive and thereby grant further extension. Even otherwise, whether to grant extension is



essentially a matter of State Policy, which involves a host of factors that are not judicially assessable, Judges lacking requisite administrative expertise.

4.6.2. The Apex Court in *Rai Sahib Ram Jawaya Kapur v. The State of Punjab*⁷, observed that our Constitution recognizes the doctrine of *separation of powers*, though not as strictly as the U.S. Constitution does it. In *Indira Nehru Gandhi v. Raj Narain*⁸, this doctrine has been held to be a *basic feature* of the Constitution. One organ of the State cannot arrogate to itself the powers of other. Each should show deference to the decision of other. Each has to operate within the sphere constitutionally allocated to it. Sages of law shun the trespass of one into the realm of another. An argument to the contrary would make Montesquieu (1689-1755), the father of this doctrine, to shiver in his grave.

4.7. MISCELLANEOUS SUBMISSINS MADE ON BEHALF OF THE EMPLOYEES:

(a) In matters like this, the arguments of parity with those who have been granted promotion disregarding delay in filing Property Declaration beyond 31.05.2025, does not come to the aid of Respondents. Equality & parity cannot be chanted as

⁷. AIR 1955 SC 549.

⁸. AIR 1975 SC 2299.



mantra. Where someone is bestowed with some benefit contrary to law, others cannot claim the same on the principle of parity. In other words, those who claim parity in treatment, have to show that what has been given to others, is not in violation of law.

(b) The last contention of learned advocates appearing for the Respondent-employees that, the act of Government in extending the period for filing the Property Declaration twice, created a legitimate expectation to have one more extension, is ridiculous, to say the least. Sporadically things done in statutory discretion are not a breeding ground for any expectation, much less legitimate. Added, elongation of the timeline was not done with fair degree of regularity, for raising any expectation. It was a kind of one time measure because more than 50% of public servants had missed the deadline.

(c) In matters relating to periodic Property Declaration, the Government should be very circumspect in relaxing the requirement. Merely because there is some pressure from some quarters, such relaxation cannot be granted mindlessly. It should be only by way of extreme exception to the generality of the Rules. Multiple exceptions would swallow the Rule itself. Having turned the pages of file, we cannot refrain ourselves



from saying that such a circumspection is lacking. Be that as it may, the cause of public administration will be more served by sustaining the stand of Government than by disallowing it.

In the above circumstances, these Appeals succeed. The impugned judgments dated 20.09.2025 & 26.09.2025 of the learned Single Judge are set aside. Respondents' Writ Petitions mentioned below are dismissed, costs having been made easy:

WP(C) Nos. 27510, 27483, 26489, 26490, 26493, 26496, 27489, 26551, 27487, 27485, 27488, 27490, 27492, 27493, 27494, 27497, 27495, 27496, 27506, 27509, 27508, 27517, 27504, 27511, 27507, 27512, 27498, 27513, 27516, 27500, 27502, 27505, 27499, 27515, 27514, 27579, 27585, 27521, 27518, 27520, 27543, 27519, 27581, 27864, 27627, 27866, 27628, 27707, 27626 & 27589 of 2025.

This Court places on record its deep appreciation for the able research & assistance rendered by its Law Clerk-cum-Research Assistant Mr. Mohammed Nihad Sharief.

Web copy of judgment to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge