

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2467 OF 2022

Pradeep Kumar Das

.....

Petitioner

*Mr. P.K.Mohapatra,
Advocate*

Vs.

State of Odisha & Anr.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.
3. The petitioner has filed this application seeking direction to the opposite parties to give him promotion to the post of Revenue Inspector from 01.01.2022, i.e., the date from which his immediate juniors got such promotions, and to grant him all consequential service and financial benefits including further promotion within a stipulated time.
4. Moot question involves if a promotion of employee can be withheld for indefinite period on the premises of pendency of vigilance proceedings over a period of decades.
5. This Court considering such situation has already settled the position of law keeping the sealed cover promotion aspect in view of pendency of the Disciplinary Proceeding and/or Vigilance Proceeding for long period becomes bad.
6. Fact involving the case reveals that there is disciplinary proceeding pending as well as vigilance proceeding is pending in the Court of Special Judge, Vigilance, Balasore in Balasore Vigilance P.S. Case No. 24 of 2016. However the said vigilance cases are yet to be disposed of. Pleading also further made clear that Disciplinary Proceedings initiated against the petitioner are pending. In this background of case an allegation is made that promotion of the petitioner has been held up only on the premises that vigilance proceedings and department proceedings involving the petitioner

are pending since long. For the settled position of law, this Court in disposal of the writ petition observes, petitioner cannot suffer for the long pendency of the vigilance proceeding/departmental proceedings. It is also not known when the Vigilance Proceedings initiated in the year 2016 will come to end. It is keeping in this view, this Court in disposal of the writ petition directs the Collector & District Magistrate, Bhadrak to give promotion to the petitioner to the rank of Revenue Inspector from the date of his juniors and batchmates got such promotions. However the promotions of the petitioner as per direction of this Court shall be subject to the ultimate outcome in the Vigilance Proceeding/ Departmental Proceedings. Further it is also clarified that the promotions given to the petitioner to the rank of Revenue Inspector shall not confer equity in the event, he will ultimately lose the Vigilance Proceeding. Entire exercise shall be completed within four weeks from the date of communication of this direction. It is also clarified that upon promotion, petitioner shall also be entitled to all consequential benefits.

7. With the above observation, the writ petition thus stands disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.