

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16823 of 2022

Dr. Satyapriya Dash

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.07.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) 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 from SDVO (Group-A) Sr. Branch to Junior Administrative Grade, Level-II from the date of 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 whether promotion of an employee can be withheld for indefinite period on the premises of pendency of departmental proceeding 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 decades becomes bad.

6. It appears that the departmental proceeding was initiated in the year 2016, but the departmental proceeding is yet to be disposed of. Pleading also further made clear that no vigilance proceeding pending against the petitioner. In this background of case an allegation is made that promotion of the petitioner taking effect in the year 2021 has not been effected only on the premises that a departmental proceeding involving the petitioner is pending since 2016. For the settled position of law, this Court in disposal of the writ petition observes, petitioner cannot suffer for the long pendency of the departmental proceeding. It is also not known when the departmental proceeding 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 Govt. of Odisha-opposite party no.1 to give promotions to the petitioner to the rank of SDVO to Junior Administrative Grade, Level-II from the date of his juniors and batchmates got such promotion under Annexure-6 series. However, the promotion of the petitioner as per direction of this Court shall be subject to the ultimate outcome in the departmental proceeding. Further it is also clarified that the promotion given to the petitioner to the rank from SDVO (Group-A) Sr. Branch to Junior Administrative Grade, Level-II shall not confer equity in the event, he will ultimately lose the departmental proceeding. Entire exercise shall be completed within four weeks from the date of communication of this direction. It is also clarified that upon promotions, petitioner shall also be entitled to all consequential benefits.

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

Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge

Sneha

