

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18979 of 2022

Rajat Chandra Singh

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.07.2022

Order
No

1.

- 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 Asst. Executive Engineer (Civil) w.e.f. 30.04.2022 i.e., the date from which his immediate juniors got such promotion, and to grant 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 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. Fact involving the case reveals that there is disciplinary proceeding against the petitioner besides the vigilance proceeding pending in the Court of Special Judge, Vigilance Sundargarh Vigilance Case No.38 of 2006. Involving the allegation against the petitioner, it appears the Vigilance Proceeding initiated in the year 2004, but pending for trial. However the said vigilance case is yet to be disposed of. In this background of case an allegation is made that promotion of the petitioner taking effect in the year 2022 has been kept in sealed cover only on the premises that a vigilance proceeding involving the petitioner is pending since 2004. The petitioner will retire from service w.e.f. 31.05.2031 on attaining the age of superannuation. 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. It is also not known when the Vigilance Proceeding initiated in the year 2004 will come to end. It is keeping in this view, this Court in disposal of the writ petition directs the Principal Secretary to Govt. of Odisha, Water Resources Department, Bhubaneswar-O.P No.1 to give promotion to the petitioner to the rank of Asst. Executive Engineer (Civil) from the date of his juniors and batchmates got such promotion. However the promotions of the petitioner as per direction of this Court shall be subject

to the ultimate outcome in the Vigilance Proceeding. Further it is also clarified that the promotion given to the petitioner to the rank of Asst. Executive Engineer (Civil) 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.

Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge

Subrat

