

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21060 of 2022

Pradymna Kumar Parida **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
28.11.2022

Order No

03. I.A. No.15221 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. This is an application for modification/recalling of order dtd.14.10.2022.
3. Considering the grounds taken in I.A., the order dtd.14.10.2022 is recalled.
4. I.A. is disposed of.

(Biraja Prasanna Satapathy)
Judge

04. W.P.(C) No.21060 of 2022

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 of OIS (Inter),

Group-A, we.f. 13.07.18 and to the rank of OIS (Senior) w.e.f. 01.01.2021 respectively.

4. Moot question involves whether promotion of an 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 no disciplinary proceeding pending against the petitioner except the vigilance proceeding pending in the court of Special Judge, Vigilance, BBSR in VGR Case No.113 of 2016 arising out of BBSR Vigilance P.S. Case No. 59 of 2016. Involving the allegation against the petitioner, it appears the Vigilance Proceeding initiated in the year 2016, but charge-sheet involving the Vigilance case has not submitted till today. However the said vigilance case is yet to be disposed of. Pleading also further made clear that Disciplinary Proceeding is pending against the petitioner since 16.11.2018. In this background of case an allegation is made that promotion of the petitioner taking effect in the year 2018 has been kept in sealed cover only on the premises that a vigilance 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 vigilance proceeding. It is also not known when the Vigilance 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 Principal Secretary to Govt. of Odisha, General

Administration and Public Grievances Department, Bhubaneswar- O.P. No.2 and Commissioner –Cum- Secretary, Micro Small and Medium Enterprises Department, Bhubaneswar, opposite party no.1 to give promotions to the petitioner to the rank of OIS (Inter), Group-A, w.e.f. 13.07.18 and to place the scale of pay against the rank of OIS (Senior) w.e.f. 01.01.2021 respectively. 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 promotions given to the petitioner to different ranks 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 promotions, petitioner shall also be entitled to all consequential benefits.

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

(Biraja Prasanna Satapathy)
Judge

Sneha