

IN THE HIGH COURT OF ORISSA AT CUTTACK

**WPC (OAC) No. 3056 of 2018**

***Prashanta Kumar Das***

.....

***Petitioner***

*Dr. J.K. Lenka, Advocate*

Vs.

***State of Odisha and others***

.....

***Opposite Parties***

*State Counsel*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**24.09.2022**

**Order No.**

01.

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 regularize him in the post of GPTA & consequential benefits be extended to the petitioner as per the judgment of the apex Court in the case of *Union of India v. K.V. Janakiraman*, AIR 1991 SC 2010.

4. Moot question involves whether regularization 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 no disciplinary proceeding against the petitioner except the vigilance proceeding pending in the court of Special Judge (Vigilance), Baripada in Vigilance G.R. Case No.02 of 2012. Involving the allegation against the petitioner, it appears the Vigilance Proceeding initiated in the year 2012. However the said vigilance case is yet to be disposed of. Pleading also further made clear that no Disciplinary Proceeding initiated against the petitioner. In this

background of case an allegation is made that regularization of the petitioner taking effect in the year 2018 has been kept pending only on the premises that a vigilance proceeding involving the petitioner is pending since 2012. 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 2012 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, Panchayatiraj and Drinking Water Department, Bhubaneswar-O.P. No.1 to give regularization to the petitioner to the post of GPTA from the date of his juniors and batch mates got such regularization. However the regularization 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 regularization given to the petitioner to the post of GPTA 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 such regularization, petitioner shall also be entitled to all consequential benefits.

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

**(DR. B.R. SARANGI)**  
**JUDGE**

*Arun*