

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1003 of 2018

Ignace Hasda

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.09.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard Ms. Rasmita Das, on behalf of Mr. L.K. Mohanty, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel.
3. 3. The present writ petition has been filed with the following prayer.

“The Respondents be directed to open seal cover of the recommendation of screening Committee dtd.27.10.2017 as communicated dt.8.3.2018 under Annexure-3;

The respondents be further directed to grant promotion to the applicant to the O.A.S (S.S) cadre w.e.f 31.10.2017 with all service benefits as per the Notification dated 31.10.2017 under Annexure-4.”

4. 4. It is submitted that even though the case of the petitioner for his promotion was considered by the D.P.C, but the same was kept in a sealed cover because of the vigilance proceeding pending against the petitioner in Sambalpur Vigilance P.S. Case No.69 of 2012, now pending before the learned Special

Judge,(Vigilance) Bolangir in V.G.R Case No.18 of 2012. Ms. Das, learned counsel for the petitioner submitted that in a catena of decision, this Court has issued direction for giving promotion on the ground of pendency of vigilance proceeding/Disciplinary proceeding.

5. Since the Vigilance Proceeding against the petitioner is pending since 2012 and there is no likelihood of its disposal, this Court while disposing the writ petition directs opp. party No.2 to open the sealed cover and extend the benefit of promotion, if the petitioner is found eligible. The said promotion shall be subject to the final outcome of the vigilance proceeding.

6. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita