

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.862 of 2015

Anjana Mohanty

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.03.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. G.R. Sethi, learned counsel appearing for the Petitioner and Mr. M.K. Balabantaray, learned counsel appearing for the Opp. Parties.
3. The present writ Petition has been filed seeking quashing of the memorandum of charge issued against the Petitioner vide Annexure-1 and to consider his case for promotion to the post of District Social Welfare Officer.
4. It was submitted by Mr. Sethi, learned counsel for the Petitioner that the proceeding initiated against the Petitioner has not yet been disposed of and accordingly the Petitioner is deprived from getting the benefit of promotion.

5. It was also submitted by the learned counsel for the Petitioner that in a catena of orders, this Court has come to the conclusion that pendency of disciplinary proceedings and/or vigilance proceeding is not a bar to give the benefit of promotion in favour of such employees.

6. Mr. Sethi, learned counsel for the Petitioner brought to the notice of this court the order passed on 08.02.2022 in W.P.C.(OAC) No.3843 of 2022 on similar issue.

7. Mr. M.K. Balabantaray, learned counsel appearing for the State-Opp. Parties did not dispute the order passed on similar issue by this court.

8. Having heard the learned counsel for the Parties and in view of the order passed in similar matter, I deem it fit and proper to direct the Opp. Parties to extend the benefit of promotion in favour of the Petitioner from the date his juniors were so promoted with all services and financial benefits.

9. But it is observed that promotion given to the Petitioner basing on this order shall not confer any equity and if he will ultimately loose the departmental proceeding, necessary order can be passed by the authorities.

10. It is directed that the benefit of promotion in favour of the Petitioner shall be completed within four weeks from the date of communication of this order. It is also clarified that on such promotion, the Petitioner shall be entitled to all consequential benefits.

11. With the aforesaid observation and direction the writ Petitioner is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

