

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29018 of 2022

Pracheta Kumar Mishra **Petitioner**
Mr. A. Kanungo, Advocate

-versus-

Sate of Odisha and another **Opposite Parties**
Mr. T.K. Patnaik, ASC

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. A. Kanungo, learned counsel appearing for the Petitioner as well as Mr. T.K. Patnaik, learned Additional Standing Counsel appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“Direct the Opposite Party No.1 to give promotion to the Petitioner w.e.f. the date the juniors are promoted in consonance with the Govt. O.M. No.15643 dated 17.06.2021 under Annexure-10;

And further be pleased to allow all the consequential service benefits;

Any other writ or writs, order or orders, direction or directions appropriate under the circumstances be passed as this Hon'ble Court deem fit and proper.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been indulged in a vigilance case, which is pending since long, and there is no likelihood the same being concluded in the near future. However, during the pendency of the vigilance case, since the Petitioner is not given promotion, although he is legally entitled to the same. In the said context, learned counsel for the Petitioner draws the attention of this Court to the Notification dated 17th June, 2021 issued by the Government of Odisha in General Administration and Public Grievance Department under Annexure-10. He further contends that the issue giving provisional promotion during pendency of vigilance proceeding has already been considered by this Court in the case of ***State of Odisha and Ors. v. Purna Chandra Das and Ors.*** (W.P.(C) No.22560 of 2015 decided on 29th August, 2016). A copy of the said judgment has been annexed to the writ petition under Annexure-11.

5. In such view of the matter, learned counsel for the Petitioner urges that the authority concerned be directed to consider the case of the Petitioner for provisional promotion in view of the Notification of Government of Odisha in General Administration and Public Grievance Department (Annexures-10) and the judgment passed by this Court in W.P.(C) No.22560 of 2015 (Annexure-11).

6. Learned Additional Standing Counsel appearing for the State-Opposite Parties submits that he has no objection, if a direction is given to the authority concerned to consider the case of the Petitioner for provisional promotion as per the State Government Notification under Annexure-10 and the judgment passed by this Court under Annexure-11 within a stipulated time.

7. Considering the submissions made by the respective parties, this Court dispose of the writ petition with a direction to the Opposite Party No.1-Secretary to the Government of Odisha, Department of Home, Secretariat Building, Bhubaneswar to consider the case of the Petitioner in the light of the State Government Notification under Annexure-10 as well as the judgment of this Court under Annexure-11 to the writ petition. Learned counsel for the Petitioner is directed to provide a copy of the Notification of the State Government under Annexure-10 as well as the judgment of this Court under Annexure-11 to the writ petition to the Opposite Party No.1 along with a copy of this order within a period of two weeks from today and in the event, the Petitioner approaches the Opposite Party No.1, as directed above, the Opposite Party No.1 shall consider the case of the Petitioner within six weeks thereafter and pass a reasoned and speaking order and the decision thereof so

taken shall be communicated to the Petitioner within two weeks thereafter.

8. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

