IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1079 of 2021

Manoj Kumar Satpathy .... **Petitioner**

Mr. P.K. Nayak, Advocate

-versus-

Balasore Bhadrak Central Cooperative Bank Ltd. and Another .... **Opp. Parties**

Mr. L.M. Nanda,
Advocate for the Bank

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
08.04.2026

Order No

15. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed *inter alia* challenging the impugned communication dated 22.12.2020, so issued by the Opp. Party-Bank under Annexure-8. Vide the said communication, petitioner was held ineligible to get the benefit of annual increment because of pendency of a Departmental Proceeding as well as Vigilance Proceeding.

4. It is fairly contended that neither the departmental proceeding nor the vigilance proceeding have yet been disposed of. It is also contended that pendency of a

proceeding either criminal or departmental is not a bar to withhold the increment of the petitioner as due and admissible which has been withheld w.e.f. February, 2012.

4.1. It is accordingly contended that with quashing of the impugned communication under Annexure-8, Opp. Party-Bank be directed to sanction and disburse the increment as due and admissible w.e.f. February, 2012 as well as the differential entitlement in favour of the petitioner within a stipulated time.

5. Even though counter affidavit has been filed by the Opp. Party-Bank justifying the impugned communication and submission was made accordingly, but this Court after going through the counter affidavit, finds that there is no pleadings justifying the withholding of increment on the ground of pendency of departmental as well as vigilance proceeding. No document has also been enclosed to the counter affidavit, showing any bar under the Service Rule of the Bank, wherein an employee will be debarred to get the benefit of increment because of pendency of any proceeding.

6. Having heard learned counsel for the parties, considering the submission made and since it is found that petitioner has been held ineligible to get the benefit of increment because of pendency of a departmental proceeding as well as vigilance proceeding, and there is no document available in the counter affidavit showing any

such bar under the Service Rule/Regulation debarring an employee to get the benefit of increment because of pendency of departmental and criminal proceeding, this Court is inclined to quash the impugned communication dated 22.12.2020 issued by the Opp. Party-Bank under Annexure-8.

6.1. While quashing the same, this Court directs Opp. Party-Bank to release the increment as due and admissible in favour of the petitioner w.e.f. February, 2012 and also release the differential entitlement in favour of the petitioner. This Court directs the Opp. Party Nos.1 and 2 to complete the entire exercise within a period of 2 (two) months from the date of receipt of this order.

7. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified
Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Apr-2026 16:40:10