IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24891 of 2026
(CNR No. ODHC010586202026)

In the matter of an application under Articles 226 & 227 of the Constitution of India.

.....

Shree K. Thirumoolar .... ***Petitioner***

-versus-

Union of India & Ors. .... ***Opp. Parties***

For Petitioner : Mr. P.K. Rath, Sr. Adv.
Along with
Mr. S. Rath, Adv.

For Opp. Parties : Mr. S. Panda, CGC
Mr. P.K. Nanda, Adv. (for O.P. Nos.2 to 4)

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing:08.10.2026 & Date of Judgment: 25.11.2026

Biraja Prasanna Satapathy, J.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed inter alia with the following prayer:-

> *"The petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/mandamus and/or any other further writ/direction and set aside the impugned letter dated 08.06.2026 along with the Adverse Report dtd.05.06.2026 under Annexure-1 and further direct the Opposite Parties to issue Vigilance Clearance in favour of the petitioner for the purpose of applying/consideration for the post of Secretary, Mumbai Port Authority*
>
> *And for this act of kindness, the petitioner shall as in duty bound ever pray."*

4. Learned Senior Counsel appearing for the Petitioner contended that pursuant to the advertisement issued for the post of Secretary Mumbai Port Authority, Petitioner when made an application to issue him with the vigilance clearance the same was not acceded to, basing on the adverse report submitted by Opp. Party No.3 on 05.06.2026, so communicated vide the impugned communication dated 08.06.2026 of Opp. Party No.4 under Annexure-1. Such a report rejecting the claim, was submitted by Opp. Party No.3 on 05.06.2026, so communicated to the Secretary, PPA-Opp. Party No.2 on 08.06.2026 under Annexure-1, on the ground that, the post being in the nature of HOD Level post,

Petitioner is not clear from vigilance angle as per the guidelines issued by DOP & T/CVC from time to time.

4.1. While assailing the impugned adverse report dated 05.06.2026 of Opp. Party No.3, communicated by Opp. Party No.4 under Annexure-1, learned Senior Counsel contended that even though prayer of the Petitioner to issue the vigilance clearance, was regretted, but pursuant to the advertisement issued by PPA on 30.06.2025, Petitioner when made the application as against the post of Secretary, such vigilance clearance was issued on 29.07.2025 under Annexure-3. Not only that, Petitioner when made his application as against the post of Secretary, Chennai Port Authority, Petitioner was also issued with the vigilance clearance on 29.07.2025 under Annexure-8. Similar vigilance clearance was also issued by PPA in favour of the Petitioner on 24.12.2025 under Annexure-9, when Petitioner made his application as against the post of Secretary, Visakhapatnam Port Authority.

4.2. It is further contended that similar clearance was also issued in favour of the Petitioner in order to enable him to make his application as against the post of Senior Deputy Secretary, Chennai Port Authority on 13.02.2026 under Annexure-10. However, pursuant to such clearance

issued to the Petitioner to make his application as against the post of Senior Deputy Secretary of Chennai Port Authority, Petitioner when was selected with the condition that Petitioner has to obtain a fresh vigilance clearance from PPA, the same was regretted vide letter dated 27.04.2026 under Annexure-14, inter alia on the ground that certain prima facie irregularities involving vigilance angle have been observed during the scrutiny of the records pertaining to engagement of Data Entry Operators (in short DEOs) in PPA.

4.3. It is contended that after refusing to issue such vigilance clearance in favour of the Petitioner, even though he was selected as against the post of Senior Deputy Secretary, Chennai Port Authority vide letter dated 27.04.2026 under Annexure-14, Petitioner's claim to issue similar clearance to make the application as against the post of Secretary, Mumbai Port Authority, was regretted by Opp. Party No.3 vide report dated 05.06.2026, so communicated on dated 08.06.2026 under Annexure-1, inter alia on the ground that certain allegations involving vigilance angle have been observed during the scrutiny of records pertaining to engagement of DEOs in PPA, indicating potential culpability on the part of the officer concerned and such an investigation

report has been submitted for initiation of a major penalty proceeding against the Petitioner.

4.4. While assailing the impugned adverse report dated 05.06.2026, so issued under Annexure-1, learned Senior Counsel contended that for issuance of vigilance clearance in favour of an employee working under any port authority, the guideline issued by the Govt. of India, Ministry of Personnel, Public Grievances and Pensions on 02.11.2012 was governing the field. However, subsequently a fresh Office Memorandum was issued by the self same Ministry on 09.10.2024 under Annexure-17, prescribing the revised guideline for issuance of vigilance clearance in favour of AIS Officers and Central Civil Services/Central Civil Posts.

4.5. Placing reliance on the office memorandum issued on 09.10.2024 Under Annexure-17, learned senior counsel contended that vigilance clearance can be denied inter alia on the following grounds, so specified under Para 3 of the guideline. Para 3 of the guideline reads as follows:-

> *"3. Vigilance clearance shall be denied on the following grounds:*
>
> *a) (I) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a preliminary inquiry as stipulated in para 6 of DOPT OM No. 104/76/2024-AVD-IA dated 09.10.2024*

Consolidated guidelines regarding handling of complaints in Ministries/ Departments/Organizations/State Governments, or on the basis of any information that the concerned Government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

(i) Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(ii) Possession of assets disproportionate to known sources of income

(iii) Involvement in cases of misappropriation, forgery or cheating or other similar criminal offences

(iv) Moral turpitude

(v) Violation of AIS Conduct Rules, 1968

(II) Vigilance clearance shall be granted if preliminary inquiry, if so required, and as envisaged at (1) above is not initiated by the concerned Government within three months from the date of receipt of the complaint, or if the preliminary inquiry after initiation remains pending for more than three months without completion.

(b) The officer is under suspension.

(c) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.

(d) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the charge sheet and the proceeding is pending.

(e) Orders for instituting criminal a case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government and the charge sheet is served within three months.

(f) Charge sheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.

(g) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act.1988 (as 2018) or any other criminal matter and the case is pending in the trial court.

(h) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.

(i) After investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.

(j) An FIR has been filed or a case registered by the concerned Government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.

(k) The officer fails to submit annual Immovable Property Return of the previous year latest by 31st January of the current year, as required under Rule 16 of the All India Services (Conduct) Rule, 1968.

(1) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three year after the currency of the penalty. In cases where a

major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List."

4.6. While assailing the refusal of the vigilance clearance under Annexure-1, learned Senior Counsel contended that since none of the grounds so stipulated in Para 3(a)(I) read with Para 3(a)(II) of the Office Memorandum dated 09.10.2024 under Annexure-17 is applicable to the case of the Petitioner to get the vigilance clearance, refusal on the part of the Opp. Party No.3 to issue the vigilance clearance in favour of the Petitioner vide letter dated 05.06.2026, so communicated on 08.06.2026 under Annexure-1, enabling the Petitioner to make his application as against the post of Secretary of Mumbai Port Authority requires interference of this Court.

4.7. It is also contended that the ground taken by the Opp. Party No.3 with regard to non-issuance of the vigilance clearance, is also prima facie not acceptable as nothing has been indicated in Annexure-1, with regard to the date of receipt of the complaint, if any, regarding engagement of

DEOs in PPA and date of completion of the preliminary enquiry in terms of Office Memorandum dated 09.10.2024.

4.8. Placing reliance on the communication issued by the Govt. of India, Central Vigilance Commission on 31.08.2004 under Annexure-18, learned Senior Counsel further contended that on the face of such allegation with regard to engagement of DEOs in PPA in the year 2024, Petitioner since was issued with the vigilance clearance on 13.02.2026 under Annexure-10, basing on such complaint of the year 2024, no cognizance could have been taken, which has been received six (6) months prior to initiation of the selection process.

4.9. It is also contended that as will be found from Annexure-11, Petitioner was issued with the questionnaire with regard to engagement of DEOs in PPA, the engagement of which were made in the year 2024. Therefore, in view of the stipulation contained in Para 2 (b) of the guideline issued by the Central Vigilance Commission under Annexure-18 on 31.08.2004, no cognizance could have been taken on such complaint and consequential denial to issue the vigilance clearance under Annexure-1. Para 2(b) of the stipulation reads as follows:-

> *"2(b) no cognizance should be taken of any complaint which is received 6 months prior to the initiation of selection process for senior posts."*

4.10. It is further contended that since on the face of such complaints with regard to engagement of the DEOs made in the year 2024, Petitioner was issued with the vigilance clearance under Annexures-3, 8, 9 & 10, refusal to issue such vigilance clearance on the ground that some allegations have been made with regard to engagement of DEOs in PPA under Annexure-1, is not sustainable in the eye of law and requires interference of this Court.

4.11. It is accordingly contended that with quashing of the impugned adverse report dated 05.06.2026 so communicated on 08.06.2026 under Annexure-1, Opp. Party No.3 be directed to issue necessary vigilance clearance in favour of the Petitioner within a stipulated time period, so that Petitioner can participate in the selection process, for his appointment as against the post of Secretary in Mumbai Port Authority.

5. Considering the pleadings available, this Court while directing the learned counsel appearing for PPA to obtain instruction vide order dated 13.08.2026 passed an interim order to the following effect:-

> *"1. Heard.*

2. In the interim, it is directed that application submitted by the Petitioner under Annexure-15 shall not be rejected."

6. Basing on the order passed on 13.08.2026, Mr. P.K. Nanda, learned counsel appearing for PPA, when contended that since there is difference of opinion between the Chief Vigilance Officer-Opp. Party No.3 and the Disciplinary Authority, who happens to be the Chairman, Paradip Port Authority-Opp. Party No.2, with regard to issuance of vigilance clearance in favour of the Petitioner, this Court passed the following order on 20.08.2026:-

"1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. Mr. J. Sahoo, learned Senior Counsel appearing in the connected case and Mr. P.K. Nanda, learned counsel appearing for Paradip Port Authority contended that in the meantime with regard to issuance of vigilance clearance by the Paradip Port Authority, the matter is pending before the Central Vigilance Commission, as there is difference of opinion between the Chief Vigilance Officer and the Disciplinary Authority, who happens to be the Chairman, Paradip Port Authority..

4. It is fairly contended in the Bar that all appropriate steps will be taken to see that Petitioner gets the vigilance clearance.

5. On the request made by the learned counsels appearing for the Parties, list this matter on 28th September, 2026."

7. However, in the meantime, learned counsel appearing for Opp. Party Nos.2 to 4 filed a counter affidavit with service of copy on the learned Senior Counsel appearing for the Petitioner. Basing on the counter affidavit, Mr. P.K. Nanda, learned counsel contended that since taking into account the allegation found against the Petitioner with regard to engagement of DEOs in PPA, prima facie allegation was found against the Petitioner, report dated 05.06.2026 was submitted, suggesting for initiation of major penalty proceeding, so communicated under Annexure-1. Consequentially issue of vigilance clearance was regretted.

7.1. It is contended that basing on the report submitted under Annexure-1, the Disciplinary Authority-Opp. Party No.2 in his capacity as Chairman, PPA has sent his views to the Chief Vigilance Commission for 1st stage advice as per the procedure.

7.2. It is also contended that Annexure-1 being a communication in between the Opp. Party No.3 and PPA and being confidential in nature, no such challenge can be made to Annexure-1. It is further contended that with regard to engagement of DEOs in PPA, wherein procedural deviations, financial improprieties and violation of vigilance guidelines

were found during institutional scrutiny, a detailed questionnaire was served upon the Petitioner on 13.02.2026 under Annexure-11. Petitioner also filed his reply to the same on 11.05.2026 under Annexure-12.

7.3. It is contended that after going through the reply so submitted by the Petitioner under Annexure-12 to the questionnaire framed under Annexure-11, final investigation report was submitted to Opp. Party No.2, for initiation of major penalty proceeding against the Petitioner. It is further contended that Opp. Party No.3, functions as the nodal advisor to Opp. Party No.2, in all matters relating to institutional integrity, administrative transparency and anti-corruption.

7.4. It is contended that as per the scheme floated under the Central Vigilance Commission Act, 2003 and instruction issued by the Central Vigilance Commission vide the Vigilance Manual, Opp. Party No.3 is the senior most functionary in the vigilance unit of PPA, reporting directly to the Chairman, PPA. Not only that Opp. Party No.3 is a liaison officer between the port administration, the CVC, the CBI and the Ministry of Ports, Shipping and Waterways, Govt. of India.

7.5. It is contended that while discharging such duty, an official file dated 01.07.2025 with regard to engagement of DEO in PPA was taken up for scrutiny by the Vigilance Dept. as part of ordinary preventive vigilance oversize. Copy of such letter dated 01.07.2025 has been enclosed as Annexure-C/1 to the counter affidavit.

7.6. It is contended that on receipt of such a communication under Annexure-C/1 dated 01.07.2025, official query was issued by the Vigilance Dept. on 22.08.2025 and the Vigilance Department seized all related original files concerning the engagement of DEOs on 15.01.2026 vide Annexure-C/2.

7.7. Basing on such seizure of the documents, the questionnaire was served on the Petitioner on 13.02.2026 under Annexure-11 to the Writ Petition. Even though as per Annexure-11, Petitioner was directed to submit his reply, but Petitioner made a request on 23.03.2026 for additional time to submit his compliance.

7.8. It is contended that subsequently, Petitioner was issued with reminders on 24.03.2026 and 13.04.2026 under Annexure-C/3 series, directing him to submit his explanation without any further delay.

Accordingly, Petitioner submitted the reply to the questionnaire on 11.05.2026 under Annexure-12. Opp. Party No.3 as well as Opp. Party No.4, on due consideration of the explanation submitted by the Petitioner on 11.05.2026, edited investigation report was finalized on 04.06.2026 and it was submitted to Opp. Party No.2 vide report dated 05.06.2026 under Annexure-1, establishing prima facie allegation being proved against the Petitioner and recommendation was made for initiation of major penalty proceeding against him and others. It is contended that all such decision was taken in terms of the procedure prescribed under Annexure-C/6.

7.9. It is further contended that subsequent to submission of the report under Annexure-1, so communicated on 08.06.2026, when the Opp. Party No.2 being the Disciplinary Authority, passed his views on the file, in compliance to the procedure of the Central Vigilance Commission and the instruction contained in the Vigilance Manual, the investigation report was forwarded on 06.07.2026, to the Central Vigilance Commission seeking its 1st stage advice.

7.10. It is accordingly contended that since the issue is pending before the Central Vigilance Commission because of the difference of opinion

given by the Disciplinary Authority-Opp. Party No.2 to the report submitted by the Opp. Party No.3 under Anenxure-1 on 05.06.2026, and no decision having been taken by the Central Vigilance Commission as yet, the Writ Petition is premature.

7.11. It is contended that on the face of such allegations pending against the Petitioner, vigilance clearance was issued on earlier occasion in favour of the Petitioner under Annexures-3, 8, 9 & 10, as by that time, no prima facie allegation had come up against the Petitioner with regard to appointment of DEOs in PPA. However, after due scrutiny of the records and the reply submitted by the Petitioner under Annexure-12 to the questionnaire issued under Annexure-11, since it was found that there is prima facie culpability on the part of the Petitioner with regard to the allegation, recommendation was made to Opp. Party No.2 for initiation of major penalty proceeding vide report dated 05.06.2026 under Annexure-1.

7.12. It is also contended that materials which have come up against the Petitioner attract the provisions contained under Annexure-C/7. As provided in the regulation governing the service condition of the Employees' namely Paradip Port Trust Employees conduct Regulation

1989 under Annexure-17, prima facie materials have come up against the Petitioner, which violates regulation 3(1), 3(3), 4(5), 4(9) and 4 (22) of the Regulation.

7.13. It is also contended that while considering the claim of the Petitioner for issuance of vigilance clearance for his selection to a HOD level post, guideline issued by the Govt. of India on 14.12.2007 was directed to be followed, vide communication dated 26.05.2023 under Annexure-C/8.

7.14. It is also contended that in view of the letter issued by the Govt. of India, Ministry of Personnel and Public Grievances on 14.12.2007 under Annexure-C/8, reliance placed by the Petitioner in the office memorandum dated 02.11.2012 cannot be relied on.

7.15. It is contended that in view of the communication issued on 26.05.2023 under Annexure-C/8 to follow office memorandum dated 14.12.2007, so far as grant of vigilance clearance to Members of the Central Civil Services/Central Civil Posts, is concerned, letter issued on 24.10.2016 under Annexure-C/9 to follow the guidelines issued on 02.11.2012 stand superseded. It is accordingly contended that,

Petitioner's claim has been rightly negatived following the guideline issued on 14.12.2007 under Annexure-C/8.

7.16. Making all these submissions, learned counsel appearing for the PPA contended that since with regard to engagement of DEOs in PPA, prima facie materials have come up against the Petitioner while holding him liable, recommendation under Annexure-1 was made to initiate major penalty proceeding against the Petitioner. It is accordingly contended that since with regard to such engagement of DEOs in PPA, prima facie allegations have come out against the Petitioner, Opp. Party No.3 gave his opinion not to issue vigilance clearance following the office memorandum issued on 14.12.2007 under Annexure-C/8, so directed to be followed vide communication dated 26.05.2023 Annexure-C/8.

7.17. It is accordingly contended that the Writ Petition is not only premature, as the matter is pending before the Central Vigilance Commission, but also it has been rightly decided not to issue vigilance clearance in favour of the Petitioner under Annexure-1, because of the fact that prima facie allegations have come out against the Petitioner, so far as engagement of DEO in PPA is concerned.

8. To the submission made by the learned counsel appearing for Opp. Party Nos.2 & 3, Mr. P.K. Rath, learned Senior Counsel made further submission contending inter alia that guidelines issued on 14.12.2007 so directed to be followed under Annexure-C/8 and guideline dated 02.11.2012 so directed to be followed vide letter dated 24.10.2016 under Annexure-C/9, are no more applicable, in view of the office memorandum issued on 09.10.2024 under Annexure-17.

8.1. Placing reliance on Annexure-17, learned Senior Counsel contended that such a memorandum was issued in supersession of all previous instructions/guideline issued by the Dept. with regard to grant of vigilance clearance to AIS Officers and Central Civil Services/Central Civil posts. Accordingly, it is contended that since Petitioner's claim to get the vigilance clearance has been regretted by Opp. Party No.3 under Annexure-1, relying on the communications issued under Annexures-C/8 & C/9, without following the revised guideline issued under Annexure-17, such a view given by the Opp. Party No.3 is not legally sustainable, and necessary direction be issued to Opp. Party No.2 and 3 to issue the vigilance clearance in favour of the Petitioner within a stipulated time.

9. Having heard learned counsel for the Parties and considering the submission made, this Court finds that Petitioner in order to make his application as against the post of Secretary, Mumbai Port Authority, when sought for vigilance clearance, the same was regretted by Opp. Party No.3 in his report dated 05.06.2026, so communicated vide the impugned communication dated 08.06.2026 under Annexure-1. Opp. Party No.3 came to such a conclusion, on the ground that prima facie certain allegations involving vigilance angle have been observed during the scrutiny of the records with regard to engagement of DEOs in PPA, indicating potential culpability on the part of the Petitioner. While taking such a view, recommendation was made under Annexure-1 to Opp. Party No.2 to initiate major penalty proceeding against the Petitioner.

9.1. As found from the record, allegation with regard to engagement of DEOs in PPA in the year 2024 was received on 01.07.2025 under Annexure-A/1. On receipt of such allegation, Opp. Party No.3 received the file on 01.07.2025 and the same was taken up for scrutiny by the Vigilance Department of PPA. On receipt of the file pertaining to engagement of DEOs on 01.07.2025 under Annexure-C/1, and further

letter issued on dated 22.08.2025, various records were seized on 15.01.2026 under Annexure-C/2.

9.2. Subsequently, Petitioner was issued with a questionnaire with regard to such allegation on 13.02.2026 under Annexure-11, by Opp. Party No.4. As found, Petitioner submitted his reply on 11.05.2026 under Annexure-12. Basing on such allegations against the Petitioner with issuance of the questionnaire and receipt of the reply, Opp. Party No.3 did not recommend to give vigilance clearance in favour of the Petitioner in order to enable him to make the application as against the post of Secretary, Mumbai Port Authority vide his report dated 05.06.2026 under Annexure-1.

9.3. As found from the counter affidavit, such a view was taken by Opp. Party No.4 basing on the communication issued by the Govt. of India, Ministry of Personnel and Public Grievances on 26.05.2023 under Annexure-C/8 and the letter issued by the self-same Dept. on 24.10.2016 under Annexure-C/9. Both the letters under Annexure-C/8 and C/9 were issued with a direction to follow the guideline issued on 14.12.2007 and 02.11.2012, so far as issuance of vigilance clearance in favour of the employees, working as AIS Officers and Central Civil Services/Central

Civil Posts is concerned. However, as found, revised Office Memorandum was issued on 09.10.2024 under Annexure-17 by the Govt. of India, Ministry of Personnel and Public Grievances, issuing a revised guideline, so far as issuance of vigilance clearance is concerned in favour of AIS Officers and Central Civil Services/Central Civil Posts, in supersession of all the previous guidelines.

9.4. Since the adverse report 05.06.2026 under Annexure-1, has been issued relying on the earlier office memorandum issued by the self-same department on 14.12.2007, so directed to be followed vide communication dated 26.05.2023 under Annexure-C/8, and letter dated 24.10.2016 so issued under Annexure-C/9 by the Ministry of Shipping with a request to follow the DOP & T guideline issued on 02.11.2012, it is the view of this Court that in view of the revised guideline issued on 09.10.2024 under Annexure-17, all such previous guidelines issued by the Ministry of Personnel & Public Grievances and Pension on 14.12.2007 and thereafter on 02.11.2012 under Annexure-16 stand superseded and basing on those guidelines, Petitioner's claim to get the vigilance clearance could not have been negatived.

9.5. Since basing on the office memorandum issued by the Ministry of Personnel Public Grievances on 14.12.2007 and 02.11.2012, so directed to be followed by the Ministry in its letter dated 26.05.2023 under Annexure-C/8, and letter dated 24.10.2016 under Annexure-C/9, Petitioner's claim to get the vigilance clearance has been rejected by Opp. Party No.3 in his report dated 05.06.2026 under Annexure-1, it is the view of this Court that basing on such office memorandum, so superseded, Petitioner's claim could not have been rejected.

9.6. Since the impugned communication under Annexure-1 has been issued without following the revised guideline issued by Govt. of India, Ministry of Personnel on 09.10.2024 under Annexure-17, it is the view of this Court that, view given by the Opp. Party No.3 in his letter dated 05.06.2026 under Annexure-1 is not legal and justified. As per the guideline enumerated under Para 3(a) (I) read with Para 3(a) (II) of the Office Memorandum issued on 09.10.2024 under Annexure-17, since the enquiry was never completed within the stipulated time period, there is no bar for issuance of the vigilance clearance.

9.7. Not only that in view of the letter issued by the Central Vigilance Commission on 31.08.2004 under Annexure-18, no cognizance should

be taken on any complaint which is received six (6) months prior to initiation of selection process. In the case in hand, no document is enclosed to the counter showing receipt of any complaint with regard to recruitment of DEOs in PPA, in terms of the work order issued on 03.11.2023 and 08.10.2024. But Opp. Party No.4 vide his letter dated 01.07.2025 under Annexure-C/1 called for the file regarding the recruitment of DEOs in the year 2024 and he seized all the records on 15.01.2026 under Annexure-C/2. But as found, the preliminary enquiry on the face of the letter issued on 10.03.2026, was never completed within three (3) months from the seizure of the records on 15.01.2026.

9.8. It is also the view of this Court that since relying on the superseded circulars, Annexure-1 has been issued, Opp. Party No.2 has rightly differed with the view while submitting the same to the Central Vigilance Commission. Therefore, pendency of the matter before the Central Vigilance Commission is also not a bar for issuance of the vigilance clearance in favour of the Petitioner.

9.9. In view of the aforesaid analysis, this Court is of the prima facie view that Petitioner's claim to get the vigilance clearance has been illegally rejected under Annexure-1. While quashing the adverse report

dated 05.06.2026 so issued by Opp. Party No.3, communicated on 08.06.2026 by Opp. Party No.4 under Annexure-1, Opp. Party Nos.2 to 4 are directed to issue the vigilance clearance in favour of the Petitioner within a period of 2 (two) weeks from the date of receipt of this order.

10. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Orissa High Court, Cuttack
Dated the, 25th November, 2026/Jyoti

Signature Not Verified
Digitally Signed
Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 26-Nov-2026 12:27:22