



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1519 of 2024

State of Odisha and another

....

Appellant

Represented By Adv. –
Mr. Subha Bikash Panda, AGA

-versus-

Ramesh Chandra Nanda

....

Respondent

Represented By Adv. –
Mr. P.C. Mahapatra, Advocate

CORAM:

**JUSTICE MANASH RANJAN PATHAK
JUSTICE MRUGANKA SEKHAR SAHOO**

ORDER

17.09.2025

(Hybrid Mode)

**Order No.
03.**

1. In response to the order passed by us dated 12.08.2025, the learned Special Judge(Vigilance), Sambalpur by his letter dated 25.08.2025 addressed to the Registry has indicated that he has perused the case record in CTR No.5 of 2017 and he has found that on completion of the investigation of the case, the I.O. submitted charge-sheet on 28.04.2017 against accused persons namely Ramesh Chandra Nanda (the respondent herein) and Sanjeeb Kumar Dwivedy for committing offences punishable U/s.13(2)r/w 13(1)(d) P.C. Act, 1988/477(A)/120(B) I.P.C. showing them as ‘not arrested’ and on the same day this Court took cognizance of said offences against both the accused persons. The case record further revealed that accused Ramesh Chandra Nanda appeared before the trial Court on 19.09.2022 and he was enlarged on bail on same day.



Accused Sanjeeb Kumar Dwivedy appeared before the Court on 11.12.2024 and was also enlarged on bail on same day.

2. On perusal of the said report of the learned Special Judge(Vigilance), Sambalpur, it is apparent that as contemplated in Rule 7 of the OCS (Pension) Rules, 1992 read with Explanation (b)(i) on 28.04.2017 the report of the police officer on which the Magistrate take cognizance was made, cognizance was taken on 28.04.2017. The said date becomes relevant, in view of the fact that nowhere in the writ petition WPC(OA) No.1802 of 2017 disposed of on 10.02.2023, the said fact has been indicated nor in the writ appeal. The OA was filed before the learned Tribunal on 03.11.2017 and during pendency of the said OA till disposal on 10.02.2023, cognizance was taken 28.04.2017 the respondent had appeared before the learned trial court on 19.09.2022 and was granted bail. In the other writ applications filed by the respondent, we now examine whether the facts such as filing of charge-sheet, cognizance taken and the respondent having appeared before the learned Special Judge, Vigilance and granted bail is mentioned or not.

W.P.(C) No.36256 of 2023

2. The writ application was filed on 06.11.2023 before this Court with the following prayer:

“The Opp. Parties be directed to open the sealed cover in respect of the petitioner which was kept pending as per the recommendation of the DPC held on 21.08.2013 in view of the orders passed at Annexure-3 since no other disciplinary proceeding pending against him by this time and may be promoted to the rank of Assistant Conservator of Forest (ACF) with retrospective effect from the date his



juniors got the same with all other service and financial benefits along with the consequential benefits in the interest of justice.

AND

The Opp. Parties be directed to consider the case of the petitioner for grant of career financial advancement benefits like; TBA, ACP and RACP with retrospective effect with all other consequential financial benefits as per the law settled in this regard including revision in the pension and pensionary benefits at the earliest point of time since the petitioner has retired since 31.03.2014 in the interest of justice.”

On perusal of the writ application, the events that had happened regarding the pending case before the learned Special Judge(Vigilance), Sambalpur, where the respondent (petitioner in the writ petition) is arrayed as accused. Charge-sheet filed on 28.04.2017, cognizance taken on 28.04.2017, bail granted on 19.09.2022 has not been mentioned.

3. W.P.(C) No.3048 of 2025

The writ application has been filed by the respondent on 29.01.2025 with the following prayer:

“The impugned part of the order No.12365, dated 11.07.2024 passed by the O.P. No.1 at Annexure-11 be quashed.

And, the Opp. Party No.1 be directed to sanction full and final pension to the petitioner along with other retiral benefits like; DCRG & Unutilized Leave Salary with interest over the unpaid amount.

And, the Opp. Party No.1 be directed to open the sealed cover in respect of the petitioner which was kept pending as per the recommendation of the DPC held on 21.08.2013 since no other disciplinary proceeding pending against him by this time and be promoted to the rank of Assistant Conservator of Forest (ACF) with retrospective



effect from the date his juniors got the same with all other service keeping in view the order at Annexure-2 and financial benefits along with the consequential benefits incurred to him out of such promotion in the interest of justice.

And, the Opp. Parties be directed to grant the career financial advancement benefits like; TBA, ACP & RACP with retrospective effect with all other consequential financial benefits as per the law settled in this regard including revision in the pay, pension and pensionary benefits including interest @ 18% per annum over the delayed payment as per the settled principle of law as decided earlier from the date of entitlement till the date of disbursement in the interest of justice.

On perusal of said writ application, it is also indicated that the both aspects as indicated above i.e. filing of charge-sheet on 28.04.2017 and bail granted on 19.09.2022 are not mentioned in the writ petition.

4. On being asked, it is stated by Mr. Mahapatra, learned counsel for the respondent-petitioner in WPC(OA) No.1802 of 2017 that Annexure-1 was the order impugned in the said OA. On perusal, it is found that the said Annexure-1 was the order imposing punishment on the petitioner in the writ petition who is respondent in the present writ appeal. The punishment was pursuant to the disciplinary proceeding as would be evident from Annexure-1.

5. In W.P. (C) No.36256 of 2023 the petitioner has prayed as evident from the prayer we have quoted above, for giving him promotion without stating in the said writ petition (filed on 06.11.2023): submission of charge-sheet on 28.04.2017, the petitioner appearing before the learned Special Judge and granted bail on 19.09.2022.



We have pointedly asked Mr. Mahapatra, learned counsel for the petitioner in the said writ petition who is also appearing for the respondent herein, whether he has mentioned in the writ petition that has been placed before us for reference, that the petitioner was considered for promotion on which date and when his case was kept in sealed cover. He submits that regarding the pendency the matter before the learned Special Judge Vigilance the petitioner appearing and getting bail, has not been mentioned in any of the writ petitions and so also it is not mentioned when his case was considered for promotion during pendency of the disciplinary proceeding or the criminal case.

We find it is mentioned in paragraph-10 of the writ petition that the recommendation of the D.P.C. held on 21.08.2013 for promotion to the post of Assistant Conservator of Forest was kept in sealed cover.

6. In W.P.(C) No.3048 of 2025 we have noted the prayer as indicated above. In the said case purportedly, the petitioner has relied on two decisions of this Court dated 08.11.2024 in W.P.(C) No.30151 of 2020 and W.P.(C) No.30157 of 2020 deciding that pendency of the vigilance proceeding is not a bar for disbursement of full and final pension of the petitioner, keeping in view the decision of the Hon'ble Supreme Court of India. The details of the decisions rendered by the Supreme Court is not available nor can be cited by the learned counsel for respondent. We have not been made aware of any such decisions of the Supreme Court of India which has dealt with Rule-7 Explanation (b)(i) of OCS Pension Rules and pari materia provision of the Central Civil Service Pension Rule and other similar Rules. The correctness of



the said judgments, i.e., 08.11.2024 in W.P.(C) No.30151 of 2020 and W.P.(C) 30157 of 2020, we will consider later.

7. We further asked Mr. Mahapatra, learned counsel appearing for the respondent who has appeared being the counsel in all the petitions filed by respondent. by which order petitioner's pension has been stopped by Government and provisional pension has been granted due to pendency of the vigilance case or disciplinary proceeding and if any such order has been brought to the notice of different Courts and different Benches in the cases: WPC (OA) No.1802 of 2017, W.P.(C) Nos.36256 of 2023 and W.P.(C) No.3048 of 2025; he fairly submits that there is no such order as such by authority not granting pension to the petitioner and the petitioner continues and is getting provisional pension.

8. Learned counsel Mr. Mahapatra further submits that the purported reason for not disclosing the details such as taking of cognizance in vigilance case in different writ applications is that the writ petitions filed by the respondent was regarding the pendency of disciplinary proceeding which does not require to disclose pendency of the vigilance case.

9. We find that in none of the cases filed by the petitioner disposed of or pending, pendency of the vigilance case CTR No.5 of 2017, filing of charge-sheet on 28.04.2017, taking of cognizance on 28.04.2017 and the petitioner appearing on 19.09.2022 and getting bail is mentioned.

10. It is submitted by the learned Additional Government Advocate referring to the pleadings in W.P.(C) No.3048 of 2025, for the appellant-State that W.P.(C) No.3048 of 2025, records of which has been called for reference, can be seen by the Court. It is indicated in



paragraphs-19, 23 and 24 of the writ petition regarding pendency of the vigilance case, taking of cognizance thereof. But the learned Single Judge disposed of the said writ petition without issuing notice. The learned court apparently, has not dealt with the provision of OCS (Pension) Rules (Rule-7) and the State had the opportunity to present it's case.

11. List for further orders on 30.10.2025.

It is brought to our notice that in order dated 12.08.2025 at paragraph-18 inadvertently the date of next listing has been typed as '11.09.2024' instead of '11.09.2025' and also at paragraph-1 of order dated 11.09.2025. Accordingly, the same shall be corrected as '11.09.2025'.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

Radha