



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 23004 of 2025

Laxman Dalei

.....

Petitioner

Mr. R.K. Sarangi, Advocate

-versus-

The State of Odisha & Ors.

.....

Opposite Parties

Mr. S.P. Das, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

23.02.2026

Order No. 02 W.P.(C) No. 23004 of 2025 & I.A. No. 22824 of 2025

1. This matter is taken up through hybrid mode.
2. Heard Mr. R.K. Sarangi, learned counsel appearing for the Petitioner and Mr. S.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. Learned counsel appearing for the Petitioner contended that the present writ petition though was originally filed challenging communication dtd.14.02.2025 so issued by the Govt. under Annexure-11 series, but pursuant to the said communication and taking into account the fact that Petitioner has been convicted and sentenced in a vigilance case and in the appeal filed by him in Criminal Appeal No. 256 of 2025, this Court while admitting the appeal vide order dtd.12.03.2025, directed for release of the Petitioner on bail, vide order dt.01.09.2025, so enclosed to the I.A., an order has been passed in withholding the pension and gratuity of the Petitioner in full and permanently and period of suspension has been treated as such.



3.1. It is contended that since against the order of conviction and sentence Petitioner has already moved this Court by filing Criminal Appeal No. 256 of 2025 and this Court has already admitted the appeal vide order dtd.12.03.2025, order dtd.01.09.2025 could not have been passed during pendency of the writ petition basing on Annexure-11 communication.

4. Learned Addl. Standing Counsel on the other hand contended that since in the appeal filed by the Petitioner against the order of conviction and sentence in Criminal Appeal No.256 of 2025, this Court while admitting the appeal vide order dtd.12.03.2025, only allowed the Petitioner to go on bail by suspending the sentence and since no order has been passed staying the operation of the order of conviction and sentence, no illegality or irregularity can be found either with the communication dtd.14.02.2025 so issued under Annexure-11 to the writ petition or with the consequential order dtd.01.09.2025 so enclosed to the I.A.. It is accordingly contended that no illegality or irregularity can be found either with the communication dtd.14.02.2025 or the order passed on 01.09.2025.

5. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner when was convicted and sentenced in the vigilance proceeding in question, vide communication dtd.14.02.2025 under Annexure-11, the Department was directed to take necessary action in accordance with law. During pendency of the matter vide order dtd.01.09.2025, pension and gratuity of the Petitioner has been withheld in full and permanently and period of suspension has been treated as such.



5.1. Since in the appeal filed by the Petitioner against the order of conviction and sentence in Criminal Appeal No. 256 of 2025, this Court has not stayed the order of conviction and sentence while admitting the appeal vide order dtd.12.03.2025, this Court does not find any illegality or irregularity with the communication dtd.14.02.2025 or the consequential order passed on 01.09.2025.

5.2. Accordingly, this Court while is not inclined to interfere either with the communication dtd.14.02.2025 and consequential order dtd.01.09.2025, observe that final order passed on 01.09.2025 in withholding the pension and gratuity of the Petitioner in full and permanently and by treating the period of suspension as such, shall be subject to final outcome of the Criminal Appeal No. 256 of 2025. Petitioner is granted liberty to reiterate his claim, if he is ultimately acquitted in the vigilance proceeding.

6. With the aforesaid liberty and observation, the writ petition as well as I.A. stand disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha