



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.34031 of 2025**

**Dillip Kumar Patel**

....

**Petitioner**

Mr. M.K. Mohanty, Adv.

**-versus-**

**State of Odisha and  
Others**

....

**Opp. Parties**

Mr. S.P. Das, ASC  
Mr. Sangram Das, SC,  
Vigilance

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
24.02.2026**

**Order No**

**04.** 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* with the following prayer: -

*“The petitioner most respectfully prays that the Hon'ble Court may be graciously pleased to allow the writ petition, issue of a writ or direction in the nature of mandamus or any other appropriate writ or direction to the Opp. Parties to grant final pension, gratuity, leave salary and other retiral benefits with 10% interest to the petitioner w.e.f. 01.12.2020 within a stipulated period and pass such other or further order or orders as are deemed just and proper.”*

**4.** It is contended that even though petitioner by the time he retired on attaining the age of superannuation



on 30.11.2020, no proceeding either Criminal or Departmental was pending against him in the eye of law but on the ground of pendency of a Vigilance Proceeding in Sambalpur Vigilance P.S. Case No.23 of 2020, petitioner was not sanctioned with his retiral benefits save and except, Provisional Pension.

**4.1.** It is contended that since in the aforesaid Sambalpur Vigilance P.S. Case No.23 of 2020, no charge-sheet has yet been filed with the order taking cognizance, on the ground of pendency of the said Vigilance Proceeding, retiral benefits of the petitioner cannot be withheld in view of the provisions contained under Rule-7(2)(d) &(e) of the OCS (Pension) Rules, 1992. Rule-7(2)(d) &(e) of the Rules reads as follows:-

*“(d) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under Clauses (a) and (b), a provisional pension as provided in Rule 66 shall be sanctioned.*

*(e) Where the Government decide not to withhold or withdraw pension but order recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.”*

**4.2.** Placing reliance on the explanation appended to Rule-7(2)(e) of the Rules, it is contended that since admittedly cognizance has not yet been taken in the aforesaid Vigilance Case, it cannot be held that the said Vigilance Proceeding is pending against the petitioner.



4.3. It is accordingly contended that appropriate direction be issued to the Opp. Parties to release the retiral benefits of the petitioner as due and admissible with interest.

5. Taking into account the stand taken in the Writ Petition, this Court passed the following order on 03.02.2026:-

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

*2. Heard learned counsel appearing for the Parties.*

*3. Pursuant to the order dtd.10.12.2025, learned Addl. Standing Counsel produced the instruction provided by the Superintendent of Police, Vigilance Rourkela Division, Rourkela vide letter dtd.03.01.2026. The same be kept in record.*

*4. Considering the instruction so provided, this Court directs learned Standing Counsel Vigilance to obtain instruction with regard to the status of Sambalpur Vigilance P.S Case No.23 of 2020 and the date of filing of charge sheet as well as the date taking cognizance.*

*5. On the request made by Mr. S. Das, learned Standing Counsel, Vigilance, list this matter on 18th February, 2026.*

*6. Office is directed to indicate the name of Mr. S. Das, learned Standing Counsel, Vigilance in the cause list.”*

6. Basing on the said order, learned Standing Counsel, Vigilance on instruction contended that in the aforesaid Sambalpur Vigilance P.S. Case No.23 of 2020, investigation is continuing and charge-sheet will be submitted after completion of the investigation.

7. Having heard learned counsel for the parties, considering the submissions made and the fact that



in the aforesaid Sambalpur Vigilance P.S. Case No.23 of 2020, charge-sheet has not yet been filed, placing reliance on the provisions contained under Rule-7(2)(d)&(e) and the explanation appended thereto, this Court is of the view that petitioner is eligible and entitled to get all his retiral benefits as due and admissible and it cannot withheld on the ground of pendency of the Vigilance Proceeding.

**7.1.** Therefore, while holding so, this Court directs Opp. Party No.4 to re-submit the pension paper of the petitioner for sanction of the retiral benefits as due and admissible, within a period of 4 (four) weeks hence.

**7.2.** On such submission of the pension paper and receipt of the same though Opp. Party No.3, appropriate steps be taken by Opp. Party No.1 for sanction of the retiral benefits as due and admissible in favour of the petitioner within a period of 3 (three) months from the date of receipt of the proposal from Opp. Party No.4.

**7.3.** However, this Court in most of the cases since is finding that Vigilance Authorities are not taking prompt and effective steps in submitting the final form after completing the investigation and thereby allowing unscrupulous employees to take advantage of the situation, this Court directs learned Standing Counsel, Vigilance to provide a copy of this order



before Director Vigilance-cum-Special Secretary to Govt. of Odisha for doing the needful in the matter, concerning vigilance proceedings initiated against the employees concerned.

**8.** The Writ Petition stands disposed of accordingly.

**(Biraja Prasanna Satapathy)**  
**Judge**

Basudev