

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27640 of 2013

Jaya Narayan Das

....

Petitioner

Mr. B. Routray, Senior Advocate

-versus-

State of Odisha and another

....

Opposite Party

Mr. P.K. Muduli, Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

28.06.2022

Order No.

08.

1. The scope of the present writ petition is limited to questioning an order dated 9th December, 2013 passed by the State Administrative Tribunal (Tribunal) in O.A. No.1335 of 2012 whereby the Petitioner had questioned the validity of the disciplinary proceedings culminating an order dated 25th July, 2012 issued by the Opposite Party No.1 proposing to impose the penalty of dismissal and the subsequent order dated 14th December, 2012 whereby a second show cause notice was issued proposing to modify the punishment and impose the penalty of withholding the entire pension permanently and to treat the period of suspension as such and Rules 7 of the OCS (Pension) Rules, 1992.

2. While directing notice to issue in this petition on 16th January, 2014, this Court stayed the operation of the aforementioned order dated 9th December, 2013 passed by the Tribunal. It may be noted here that by the impugned order the Tribunal had while relegating the Petitioner to stage of the second show cause notice directed

Opposite Party No.1 to dispose of the departmental proceeding within six months. By virtue of the interim order this Court those proceedings have not yet been taken to their logical end.

3. The need for a second show cause dated 14th December, 2012 arose because during the pendency of the petition before the Tribunal the Petitioner superannuated on 31st July, 2012. In fact, this was also way with the Opposite Party No.1 proposed a lesser penalty.

4. Mr. Routray, learned Senior counsel for the Petitioner states that at this stage Petitioner is interested in an expeditious conclusion to the entire proceedings and presses for time bound directions to Opposite Party No.1 to decide on the issue of quantum of punishment uninfluenced by the earlier proposal of either dismissal, which is no longer relevant, or that proposed in the second show cause notice dated 14th December, 2012.

5. Considering that the Tribunal had delegated the Petitioner to the stage of second show cause notice, and a final decision on the issue of punishment is yet to be taken, the Court considers it appropriate to direct Opposite Party No.1 to re-examine the question of punishment afresh uninfluenced by the fact that what was proposed by the second show cause notice dated 14th December, 2012 it was proposed to award a of withholding the entire pension permanently and treat the period of suspension as such. In other words, Opposite Party No.1 will consider the issue of punishment consistent with gravity of the misconduct without any pre-

conceived notion. The decision be taken within a period of six months from today.

6. The writ petition is disposed of in the above terms.

7. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge



TUDU