

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.5292 of 2022

Gajendra Digal

.... ***Petitioner***
Mr. B.B.Mishra, *Advocate*

-versus-

State of Odisha and others

.... ***Opp.Parties***
Mr.Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
04.04.2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. The present writ application has been filed challenging the order passed in a Disciplinary Proceeding under Rule 13 read with 18(1) of the Odisha Civil Services (CCA) Rules 1962 imposing a penalty of dismissal from Government Service by order dated 04.12.2021 issued by Disciplinary Authority and Collector, Boudh. Learned counsel for the Petitioner further submits that the authorities while passing the impugned order has not given any opportunity of hearing to the Petitioner. The impugned order is vitiated as the same has been passed without following the principle of natural justice. Accordingly, the Petitioner urges that the impugned order under Annexure-2 may be quashed.
4. Learned Additional Government Advocate on the other hand

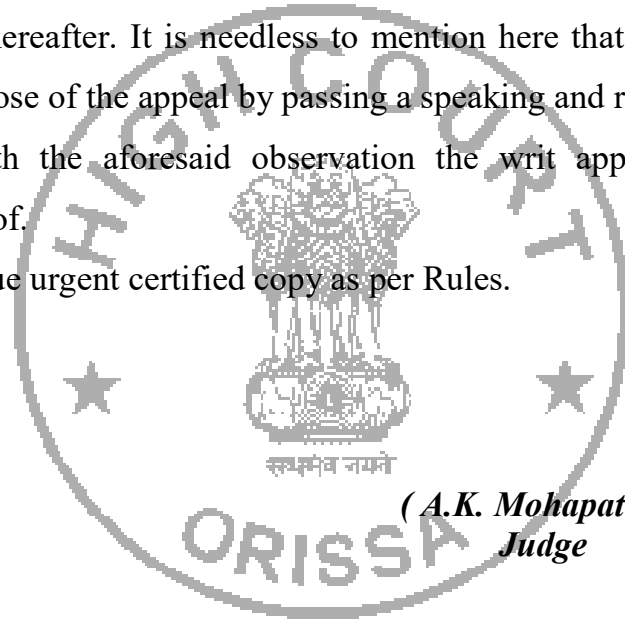
submits that the order sought to be challenged in the present writ application is appealable one under the Odisha Civil Services (CCA) Rules 1962 wherein Rule 12 provides appeal against the order of the disciplinary authority.

5. Considering the aforesaid submissions, this Court disposes of the writ application at the stage of admission directing the Petitioner to approach the appropriate authority by filing an appeal within two weeks from today and in the event the appeal is filed within the aforesaid stipulated period, the same shall be considered in accordance with law and dispose of the same within a period of two months thereafter. It is needless to mention here that the authorities shall dispose of the appeal by passing a speaking and reasoned order.

6. With the aforesaid observation the writ application stands disposed of.

7. Issue urgent certified copy as per Rules.

RKS



(*A.K. Mohapatra*)
Judge