

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9152 of 2022

M. Apparao

.... Petitioner
Mr. S.P. Dash, Advocate

-versus-

State of Odisha and others

.... Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
09.05.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned Central Government Counsel to the Opposite Parties. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “Therefore, this Hon’ble Court may be graciously pleased to issue Rule NISI calling upon the Opp.Parties to show cause as to why:
- i) the Disciplinary Proceeding vide Ref. No.2409 dtd.12.03.2015 shall not be quashed as it is an outcome of vindictive action pursuant to order dated 28.07.2014 passed in W.P.(C) No.13479/2014 and order dtd.22.11.2016 passed in CONCT No.901 of 2015.
- ii) the standing committee Resolution dated 7.7.2010 and order dtd.7.3.2011 shall not be quashed as the Opp.Parties in order to by pass the order dtd.28.7.2014 and order dtd.22.11.2016 passed in the aforesaid

W.P.(C) No.13479 /2014 and CONTC No.901/2015 respectively.

iii) the petitioner shall not be paid all service benefits for the period from 1.3.1997 to 7.5.2009 and present service benefits by regularizing the service period; if the Opp. Parties fail to show cause or show insufficient cause then the Rule shall be made absolute;

And pass such other order/orders, direction/directions as this Hon'ble Court deem just and proper."

4. It is submitted by learned counsel for the petitioner that initially, the petitioner was appointed by Cuttack Municipality as Deweeding Coolly by Office Order No.8506 dated 28.12.1991. Thereafter, on suspicion, the petitioner was arrested on 01.03.1997 in S.T. Case No.249 of 1997 and later on, he was acquitted in the said case. Thereafter, although the petitioner was reinstated in his service but he was not paid his arrear wages till date. It is further submitted by learned counsel for the petitioner that earlier the petitioner had approached this Court by filing a writ petition bearing W.P.(C) No.13479 of 2014 and the said writ petition was disposed of with liberty to the petitioner to file a properly constituted representation and a direction was given to the opposite party no.2 to do well to dispose of the representation of the petitioner in accordance with law. It is also submitted by learned counsel for the petitioner that although the order has been passed since long by this Court, no action has been taken on the same and therefore, the petitioner has filed a Contempt Petition bearing CONTC No.901 of 2014.

5. Further, it is submitted by learned counsel for the petitioner that after receiving notice in contempt petition, a disciplinary proceeding has been initiated against the petitioner in the year 2015 vide Memo No.3409 dated 12.03.2015. It is also submitted by

learned counsel for the petitioner that although the petitioner has filed written statement in the disciplinary proceeding, no action has been taken as of now and seven years have elapsed in the meantime.

6. Considering the submissions made by the respective parties and the limited nature of grievance involved in the present writ petition and further keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Executive Officer, Cuttack Municipal Corporation, Cuttack-Opposite Party No.3-disciplinary authority to conclude the proceeding initiated against the petitioner vide Memo No.3409 dated 12.03.2015 under Annexure-11 in accordance with law within a period of two months from the date of production of certified copy of this order. The Executive Officer, Cuttack Municipal Corporation, Cuttack-Opposite Party No.3 is further directed to conclude the disciplinary proceeding against the petitioner after taking into account the written statement and dispose of the same by passing a speaking and reasoned order. The final decision taken in the said disciplinary proceeding shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge