

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9169 of 2022

Dillip Kumar Mallik

....

Petitioner

Mr. Gyana Ranjan Sethi, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.04.2022

Order No.

I.A. No.5266 of 2022

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. This is an application for modification of order dated 18.04.2022.
 4. As it appears from the order that there are large number typographical errors have been found in the order dated 18.04.2022, this Court is inclined to recall the said order and a fresh order is filed in Court today.
 5. The I.A. thus stands disposed of.

WPC No.9169 of 2022

6. Heard.

7. Considering the submission that during pendency of criminal trial, filing of defence by the petitioner in the disciplinary proceeding will jeopardize the prospect of the delinquent-petitioner involving the criminal case, this Court finds support of the submission of learned counsel has also the support of decision of the Hon'ble apex Court reported in **AIR 1999 SC 1416**, decided taking supporting of the old decision of the Hon'ble apex Court reported in **AIR 1965 SC 155**. This Court accordingly disposes of the writ petition directing stay of the Disciplinary Proceeding vide Proceeding No.28/2021 under Annexure-2 involving the petitioner till finalization of the Criminal Trial vide AIRPORT P.S. Case No.129 of 2021 pending in the court of learned .S.D.J.M., Bhubaneswar. This Court also directs the trial court involving AIRPORT P.S. Case No.129 of 2021 be expedited.

8. With the aforesaid direction, the writ petitions stands disposed of.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge