

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9432 of 2022

Kanhu Charan Behera

....

Petitioner

Mr. Bijaya Kumar Routray, Advocate

-versus-

The State of Odisha and others

....

Opposite Parties

Mr.P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

25.04.2022

Order No.

01. 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. The writ petition involves the following prayer:

“The Petitioner, therefore most humbly prays that the Hon’ble Court may graciously be pleased to admit this Writ Petition and on hearing of the Parties be pleased to set aside the impugned order of dismissal vide Annexure-1 for the ends of justice, equity and conscience,

AND

Any other Order/Orders may be passed as felt deem and proper;

AND

For this Act of kindness, as in duty bound, the Petitioner shall ever pray.”

4. It is submitted by learned counsel for the Petitioner that a Disciplinary Proceeding has been initiated against the Petitioner due to long absence from duty, bearing Office Order No.175 dated 21.11.2007. Pursuant to which, Petitioner has been dismissed from service, where after the Petitioner has preferred Appeal before the Chairman, O.P.T.C.L.,

Orissa, Bhubaneswar, bearing Disciplinary Appeal No.__of 2021, dated 05.07.2021. It is also submitted that the same is still pending for consideration before the said Authority.

5. Learned counsel for the State submits that since Appeal is pending before the Appellate Authority, the said Authority may be directed to consider the Appeal of the Petitioner in accordance with law within a stipulated period of time and he has no objection to the same.

6. Considering the submissions made and taking into consideration the fact that Petitioner has already approached the Appellate Authority, this Court directs the Appellate Authority-Chairman, O.P.T.C.L., Opposite Party No.2 to consider and dispose of the Appeal filed by the Petitioner dated 05.07.2021 within a period of three months from the date of production of certified copy of this order after giving opportunity of hearing to the Petitioner and shall dispose of the Appeal strictly in accordance with law.

7. With the aforesaid direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge