

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10444 of 2022

Sri Sankar Narayan Choudhury ***Petitioner***
Mr. Prasanta Kumar Mishra, Advocate

-versus-

Principal Secretary to Govt., ***Opposite Parties***
Commerce and Transport
Department, Odisha, Bhubaneswar
and others

Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
02.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr.P.K. Mishra, learned counsel for the Petitioner and Mr. K.K. Nayak, learned Additional Standing Counsel for the State.
3. Considering the submission that during pendency of the 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 for the Petitioner has also the support of decision of the Hon'ble Apex Court in the case of ***Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. and another***, reported in ***AIR 1999 SC 1416***, decided taking support of the old decision of the Hon'ble Apex Court in the case of ***Tata Oil Mills Co. Ltd. vs. Its Workmen***, reported in ***AIR 1965 SC 155***. This Court accordingly

disposes of the writ petition directing stay of the Disciplinary Proceeding vide Memorandum No.13559/TC, dated 06.12.2019 under Annexure-2 involving the Petitioner till finalization of the Criminal Trial vide Cuttack Vigilance Cell P.S. Case No.12, dated 15.11.2018 pending in the court of learned Special Judge, Vigilance, Bhubaneswar in VGR Case No.54 of 2018. This Court also directs the trial involving VGR Case No.54 of 2018 be expedited.

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

5. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

