

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10253 of 2022

Siddhewar Behera

....

Petitioner

Mr.P.K.Mahapatra,Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
09.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The present writ application has been filed by the Petitioner challenging the order under Annexure-5 rejecting he representation of the Petitioner revoking the order of suspension issued against the Petitioner under Annexure-1.
4. It is submitted by the learned counsel for the Petitioner that earlier the Petitioner had approached this Court by filing writ application and the said writ application was disposed of with a direction to Opposite Party No.1 to dispose of the representation of the Petitioner. However, the representation of the Petitioner was rejected by the authority vide order dated 12.11.2021 under Annexure-5. Thereafter as it appears, the Petitioner has not been reinstated. It is also submitted by the learned counsel for the Petitioner that he has already submitted his show cause which is filed

along with the writ application as Annexure-8.

5. Learned Additional Standing Counsel on the other hand submits that since a proceeding has been initiated and continued, it is up to the departmental authority whether to reinstate the Petitioner or not. However, it is submitted that since the proceeding is continuing it would not be proper on the part of this Court to interfere with the matter involved in this writ application.

6. Considering the aforesaid submission and keeping in view the fact that the Petitioner has already submitted his show cause in the Disciplinary Proceeding initiated against him, this Court deems it proper to dispose of the writ application by directing the Opposite Party no.1, the Disciplinary Authority to conclude the proceeding expeditiously as possible within a period of four months from the date of production of certified copy of this order.

7. Further, a prayer was made that the Petitioner is not getting subsistence allowance as per the Rule though he is placed under suspension. In such view of the matter the authority is directed to pay the subsistence allowance as admissible under Rule to the Petitioner forthwith on production of certified copy of this order.

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

9. Issue urgent certified copy as per Rules.

10. Issue urgent certified copy of this order as per Rules.