

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10432 of 2022

Ramesh Bhagat

..... Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha and another

..... Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
11.05.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the Central Government Counsel. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is, therefore, prayed that your lordships may graciously be pleased to admit this Writ Petition, issue writ of mandamus directing the opp.Party No.1 to release the arrear salary and regularization of service of the petitioner from 18.04.2019 to 05.01.2021;

Further be prayed that this Hon’ble Court may be pleased to quash the order dated 14.03.2022 vide Annexure-6 issued by the Additional Secretary to Government and release the arrear salary and regularization of service of the petitioner;

And further be pleased to pass any other appropriate order/orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

4. It is submitted by learned counsel for the petitioner that a disciplinary proceeding is pending against the petitioner and the case of

the petitioner has not been taken into consideration. However, on intervention of this Court in previous writ petition bearing No.20685 of 2021 disposed of on 28.07.2021, the petitioner was regularized in service. Thereafter, the petitioner has submitted a representation for regularization of his service but the same has been rejected by order dated 14.03.2022 by the Additional Chief Secretary to Government of Odisha ,Health and Family Welfare Department, Bhubaneswar on the ground that the period of suspension will depend on the result of the Disciplinary Proceedings and can be decided after its conclusions as per law. Further, learned counsel for the petitioner submits that a direction may be given to the authorities to conclude the said disciplinary proceeding within a stipulated period of time.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time and disburse the same.

6. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, 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 Additional Commissioner-cum-Secretary, Family Welfare Department, Bhubaneswar-Opposite Party No.1 to conclude the disciplinary proceeding, which is pending against the petitioner before him, the same shall be considered in accordance with law on production of certified copy of this order within a period of three months.

7. It is further made clear that the disciplinary proceeding shall be conducted as per rules and in accordance with law by passing a speaking and reasoned order. Final decision so taken on the said proceeding shall be communicated to the petitioner within a period of two weeks thereafter.

8. 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

Jagabandhu

