

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11604 of 2022

Biraj Mohan Mohanty

....

Petitioner

-versus-

***State of Odisha and
another***

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

**Order
No.**

07.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.B. Jena, learned counsel appearing for the Petitioner and the learned counsel for the State-Opposite Party.
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 has also the support of decision of the Hon'ble apex Court reported in AIR 1999 SC 1416, decided taking support 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 No.9610 dated

24.5.2021 under Annexure-1 involving the Petitioner till finalization of the Criminal Trial vide Balasore Vigilance P.S. Case No.15 dated 4.6.2020 pending in the court of Vigilance Judge, Balasore. This Court also directs the trial involving Balasore Vigilance P.S. Case No.15 of 2020 be expedited.

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

5. Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge

Debasis

