

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.509 of 2015

Narottam Pradhan

....

Appellant

Mr. M. Pratap, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Manoj Kumar Khuntia, AGA and

Mr. P. K. Basantia, Advocate for CHSE-Respondent No.3

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

28.09.2022

Order No.

04.

1. The challenge in the present writ appeal is to a judgment dated 6th August, 2015 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.19282 of 2014.

2. It must be noted at the outset that the impugned judgment was common to the above writ petition as well as the other four writ petitions seeking similar reliefs.

3. In the writ petition filed by the present Appellant, the challenge was raised to a suspension order dated 22nd September, 2014 on the ground that the OCS (CCA) Rules, 1962 was not applicable. The challenge was also raised to a charge memo dated 18th December 2014, which apparently was served on the Appellant on 29th December 2014, which was more than 3 months faater the date of suspension.

4. The background facts are that the Appellant was an employee of the Council for Higher Secondary Education (CHSE), Odisha.

He was at the relevant time functioning as the President of the Employees Association of CHSE, Odisha which had placed before the CHSE a seventeen demand charter. It appears that the members of the Employees Association through the Appellant went on a strike paralyzing the entire public delivery system by mass absenting from official duties. The explanation offered to the letters issued to them were found unsatisfactory.

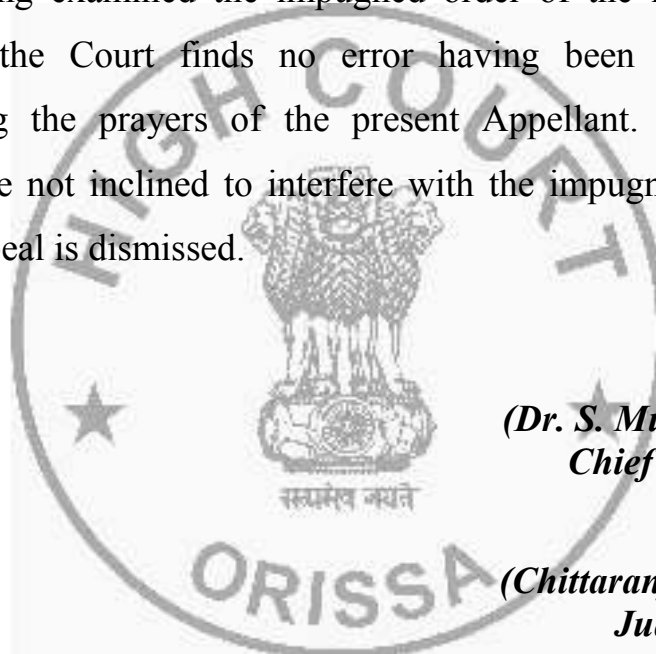
5. Due to the continued disruptive conduct, the Appellant and other employees were placed under suspension and this was challenged initially by way of W.P.(C) No.21418 of 2014, which was disposed of by the learned Single Judge on 10th December, 2014 directing the authorities to dispose of the representations filed by the Petitioner within two months. After the representations were rejected, a second round of writ petitions were filed including W.P.(C) No.19282 of 2014, in which the common impugned judgment dated 6th August, 2015 was passed dismissing the writ petitions.

6. The learned Single Judge has elaborately dealt with each of the contentions raised by the Appellant challenging the order of suspension. The learned Single Judge has observed that placing the employee under suspension in contemplation of disciplinary proceedings cannot be said to be illegal if that has been passed by an Appellate Authority, who is any event was competent to issue it under the Rules in question. As regards the change of headquarters for reporting, the learned Single Judge noted that an interim order had been passed on 20th October, 2014 allowing the Writ Petitioners to continue in their respective places of posting without changing their headquarters. Therefore, on that ground

also there was no merit on the contention of the Writ Petitioners. As regards the merits of the Disciplinary Enquiry, it was observed that it could be examined at the appropriate stage.

7. During the pendency of the present writ appeal, the enquiries have been concluded, and the present Appellant was allowed to continue in service till he superannuated in January, 2022 receiving all the retiral benefits as informed by learned counsel for the CHSE.

8. Having examined the impugned order of the learned Single Judge, the Court finds no error having been committed in rejecting the prayers of the present Appellant. The Court is therefore not inclined to interfere with the impugned order. The writ appeal is dismissed.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda/S. K. Guin