

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 14132 OF 2022

Dr. Badal Kumar Singh

Petitioner

Mr. Pravash Ch Jena, Advocate

-versus-

Union of India and others

.... Opp. Parties

Mr. P.K.Parhi,
Assistant Solicitor General

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER

07.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to quash and set aside the proceeding in Inquiry No. EM/MCHP/INQ-1/2021 corresponding to AD/SECY/DISC/2/2021/70 dated 04.10.2021 under Annexure-5.
3. Mr. Jena, learned counsel for the Petitioner submits that on the allegation made by one Smt. Smutirekha Nayak-Opposite Party No.4, a disciplinary proceeding has been initiated against the Petitioner. Memorandum of charges has been communicated to the Petitioner vide memo dated 4th October, 2021 under Annexure-5 in Inquiry No.EM/MCHP/INQ-1/2021 corresponding to AD/ SECY/ DISC/2/2021/70. Further, a separate proceeding has also been initiated against the Petitioner by the Chairperson of Working Women Cell, Paradip Port Trust under Annexure-3 on the self-same allegation.
4. Pursuant to the notice in the said proceeding, the Opposite Party No.4 appeared before the Chairperson, Working Women Cell and submitted a letter dated 20th August, 2021 accepting apology

of the Petitioner with regard to the incident dated 9th August, 2021 (night shift) and prayed to close the issue. In view of such letter of Opposite Party No.4, nothing remains to be inquired into in the proceeding under Annexure-5. Hence, he prays for quashing of the proceeding in Inquiry No. EM/MCHP/INQ-1/2021.

5. In course of hearing, Mr. Jena, learned counsel for the Petitioner submits that interest of justice will be best served, if the Petitioner brings the aforesaid development to the notice of the Inquiring Authority and a direction may be issued to the Inquiring Authority to take a decision on consideration of such documents.

6. Mr. Parhi, learned Assistant Solicitor General enters appearance by filing a memo of appearance on behalf of Union of India and submits that he has no objection to the same.

7. In view of the above, the writ petition is disposed of with an observation that the Petitioner, if so advised, may move the Inquiring Authority by filing the relevant documents to drop the inquiry under Annexure-5. In that event, the Inquiring Authority may consider the same in accordance with law before proceeding with the Inquiry No. EM/MCHP/INQ-1/2021 (Annexure-5).

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge