

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 14762 of 2022

Naresh Majhi

....

Petitioner

Mr. P.K. Pradhan, Advocate

- Versus -

State of Odisha & Others

.... **Opposite Parties**

Mr. G.R. Mohapatra, ASC

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.06.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard Sri K.P. Mishra, learned Senior Counsel along with Sri P.K. Pradhan, learned counsel for the petitioner and learned counsel for the State.
3. The petitioner has approached this Court seeking the following prayer:-

“i. Hold/declare that initiation of Disciplinary Proceeding against the petitioner as at Annexure-4 on the same set of charges as of criminal case pending against the petitioner is bad, illegal and not sustainable and maintainable in the eye of law;

ii. Pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bonafide interest of justice.”

4. It is submitted that if the disciplinary proceeding is allowed to continue before the conclusion of the criminal trial, the defence of the delinquent petitioner in the criminal trial shall be greatly prejudiced and therefore, the disciplinary

proceedings should be kept in abeyance till then.

5. Having regard to the settled position of law as laid down by the Supreme Court in the case of *M. Paul Anthony v. Bharat Gold Mines Ltd.*, reported in AIR 1999 SC 1416 and the case of *Tata Oil Mills Company Ltd. vs Workmen*, reported in AIR 1965 SC 155, this Court agrees with such contention. The Writ Petition is therefore disposed of directing stay of disciplinary proceedings initiated against the petitioner vide Annexure-4 by the Commandant, SAG, O.I.S.F., Bhubaneswar till finalization of C.T. No.401 of 2020 corresponding to Barkot P.S. Case No. 231 dated 07.08.2020 pending in the Court of learned S.D.J.M., Deogarh.

6. Further, learned S.D.J.M., Deogarh is directed to expedite the trial in the aforementioned case. If there is no legal impediment.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge