

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15209 of 2022

Marshalin Padhiary

..... Petitioner
Mr.P.K.Mishra, Advocate

-versus-

Principal Secretary to Government,
Food Supplies & Consumer
Welfare Department and another

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.P.K.Mishra, learned counsel for the Petitioner and Mr.Y.S.P.Babu, learned Additional Government Advocate.
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 the learned counsel for the Petitioner and has also the support of decision of the Hon'ble Apex Court in the case of **Capt.M.Paul Anthony vs.Bharat Gold Mines Ltd and another**, reported in **AIR 1999 SC 1416**, decided taking support of the old decision of the Hon'ble Apex Court in the case of **Tata Oil Mills Co. Ltd. vs. Its Workmen**, reported in AIR 1965 SC 155. This Court accordingly disposes of the writ petition directing stay of the Disciplinary Proceeding vide Memorandum No.12199 dated

13.08.2020 under Annexure-2 involving the Petitioner for a period of one year. The Petitioner to take steps for early disposal of Criminal Trial vide Cuttack Vigilance Cell P.S.Case No.6 dated 06.02.2020 pending in the court of the learned Special Judge, Vigilance, Bhubaneswar in VGR Case No.06 of 2020. This Court also directs the trial involving GR Case No.06 of 2020 be expedited.

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

RKS

