

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3109 of 2007

Haribandhu Satpathy

.....

Petitioner

Mr.J.K. Mishra, Advocate

Vs.

State of Odisha and others

.....

Opposite party

*Mr. B. Mohanty, Standing Counsel for
S&M.E. Deptt.*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.01.2022

Order No.

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This matter is taken up by hybrid mode.

2. Heard Mr. J.K.Mishra, learned counsel for the petitioner and Mr. B. Mohanty, learned standing counsel for School & Mass Education Department.

3. The petitioner has filed this writ petition seeking for quashing of the proceeding initiated vide Annexure-6 on 19.05.2000 and further seeking to regularize his service from 25.11.1999 to 09.06.2000 by sanctioning the scale/ revised scale of pay with all other service benefits.

4. Mr. J.K. Mishra, learned counsel for the petitioner contended that a proceeding was initiated against the petitioner on the allegation of misutilisation and misappropriation of M.D.H. Rice, giving false information to higher authority and filing of F.I.R. against him by the B.D.O. He further contended that since the petitioner has been acquitted from the criminal case on the self same charge, he should have been extended with all the benefits as due and admissible to him in accordance with law.

5. Mr. B. Mohanty, learned standing counsel for School & Mass Education Department contended that vide Annexure-6, the

petitioner has been called upon to show cause within 30 days of receipt of the draft charge as to why suitable disciplinary action shall not be taken against him. As the petitioner has already filed his reply and proceeding is continuing, in that case quashing of Annexure-6 does not arise. More so, if the petitioner has been acquitted from the criminal charges, he should have apprised the authority about the same.

6. Having heard learned counsel for the parties and after going through the record, it appears that the petitioner has already given reply to the notice issued on Annexure-6, therefore, the relief sought for in paragraph-7 (1) cannot sustain. More so, pursuant to Annexure-6, the petitioner has already submitted his reply before the Authority and after such reply is submitted the disciplinary proceeding has been initiated against him. The stage of such proceeding has also not been indicated in the application itself. The contention of the petitioner is that since the petitioner has been discharged in the criminal case, therefore, the proceeding on the self same ground could not have been initiated. But whether this fact has been brought to the notice of the disciplinary authority and what is the stage of disciplinary proceeding is also not known to him.

7. In view of the above, this Court directs that if the disciplinary proceeding has not yet been concluded, the same be concluded as early as possible and the result thereof be communicated to the petitioner accordingly.

8. With the above observation/direction the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun