

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.17505 of 2022

**Shreekanta Kumar
Tripathy**

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.07.2022

**Order
No**

1.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. J. K. Lenka, learned counsel for the Petitioner and Mr. Y.S.P. Babu, learned Additional Government Advocate for the State.

3. The Petitioner is aggrieved by the action of the opposite parties in proceeding with the enquiry initiated against him under Annexure-4 on 31.03.2021.

4. It is submitted that after receipt of the charges, though the Petitioner is approaching the concerned authority for providing him the documents in order to enable him to file a written statement of defence, but the said authority instead of providing the same has appointed the Enquiry Officer and the said Enquiry Officer is now asking the Petitioner to take part in the proceeding.

5. It is submitted that unless the documents relied on

by the disciplinary authority are provided, the Petitioner will be seriously handicapped and he cannot file his written statement of defence in absence of those documents.

6. Mr. Lenka brought to the notice of this Court the applications made by the petitioner before the concerned authority with a prayer to provide those documents.

7. Considering the submissions made by Mr. Lenka, this Court while disposing the Writ Petition directs the Opposite Party No.2 to provide him the document as prayed for by the Petitioner in his application under Annexure-5-Series within a period of one month from today.

8. It is observed that if the Petitioner is provided with those documents within the aforesaid periods, the Petitioner be allowed further one month time to file his written statement of defence. Only after supplying the documents and filing of the written statement of defence by the petitioner, the authority can proceed with the enquiry. Therefore, the Enquiry Officer so appointed by the disciplinary authority cannot insist on the petitioner to participate in the enquiry in the meantime.

9. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge