

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18057 of 2022

Iswar Chandra Dash

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
10.08.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-
- “(i) Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to quash the order of punishment passed by the opp. party no.1 dated 30.12.1994 vide Annexure-6.
- (ii) And further for a direction to the opp. parties to regularize the period from 01.04.1989 to 27.04.1990 as duty with all financial benefits including the periodical increments.
- (iii) And further for a direction to the opp. parties to fix his pay in the scale of Rs.1400-2300 under ORSP Rules, 1989 and consequently under the corresponding scale of pay under the ORSP Rules, 1998”.
4. Earlier the Petitioner had approached the learned Tribunal in O.A. No.1497 of 2008. Learned Tribunal vide its order dated 11.08.2011 granted liberty to the petitioner to

challenge the order passed in the disciplinary proceeding. Instead of challenging the said order passed in the disciplinary proceeding pursuant to liberty granted by the learned Tribunal on 11.08.2011, the Petitioner filed W.P.(C) No.32687 of 2011 challenging the said order. This Court vide order dated 09.03.2022 held as follows:-

“Pursuant to such observation of the Tribunal, the petitioner has neither filed separate Original Application challenging the penal order passed by the authority concerned, even if the liberty was granted to him and on the other hand approached this Court straightway by filing the present writ application.

In view of the above, this Court is not inclined to entertain the writ application. However, the petitioner is at liberty to pursue his remedy before the appropriate forum in accordance with law, if he is so advised”.

5. In view of the order passed by the Division Bench, the Present Writ Petition is not maintainable. However, in view of the liberty granted by this Court in its order dated 09.03.2022, petitioner may approach appropriate forum in accordance with law, if so advised.

6. Accordingly, the Writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge