

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18067 of 2019

Chandrakanti Suna

....

Petitioner

Mr. J.K. Behera, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.09.2022

Order No.
05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner was working as a lady Supervisor under Haldiapali Gram Panchayat in the district of Bargarh. She was placed under suspension by the Collector, Bargarh by order dated 26.07.2014. She was paid subsistence allowance @50% of her pay for a period of six months with effect from 26.06.2014 as per Rule 90 (1) (a) of the Odisha Service Code.
4. It is the grievance of the petitioner that the disciplinary proceeding was finalized and a show cause notice was issued to her under Rule 15(10) (i)(a) of OCS (CC&A) Rules, 1962 asking her to submit a representation against the findings of the Inquiry Officer. Pursuant to such notice, the petitioner is said to have submitted her representation. Upon receipt of such representation, the Collector issued the second show cause notice dated 21.08.2019 proposing to

impose the penalty of dismissal from Government service.

5. It is submitted by Mr. J.K. Behera, learned counsel appearing for the petitioner that no action has been taken in the matter as yet and that the disciplinary proceeding has not yet attained finality. On such facts, the petitioner has approached this Court seeking the following relief:-

“Under such circumstance the petitioner therefore prays that your Lordship would be graciously pleased to admit the writ application, call for records and after hearing the parties may be pleased to issue a writ/writs in the nature of certiorari/mandamus commanding the Collector, Bargarh/O.P. No.2 to release and pay the substance allowance @75% w.e.f. 27.12.2014 as per Rule 90 of the Orissa Service Code along with back arrears within a stipulated time;

And further may pass any other order/orders, direction/directions as deems fit and proper by this Hon'ble Court to give relief to the petitioner;

And for which act of kindness, the petitioner as in duty bound shall every pray.”

6. Having regard to the fact that the petitioner was placed under suspension way back in the year 2014 and it is submitted that the disciplinary proceeding has not attained finality as yet, without expressing any opinion on the merits of the claim, the writ application is disposed of granting liberty to the petitioner to approach the Collector by submitting appropriate representation ventilating her grievance within a period of two weeks from today. In the event such representation is submitted, the Collector shall consider and dispose of the same in accordance with law within a period of two weeks thereafter by passing a reasoned order. It goes without saying that if in the meantime the disciplinary proceeding is

finalized, this order shall no effect.

7. The writ petition is disposed of accordingly.

(Sashikanta Mishra)
Judge

B.C. Tudu

