

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2396 of 2009

Muralidhar Prusty

....

Petitioner

Ms. B. Pattnaik, Adv.

-Versus -

***Superintendent of Police,
Dhenkanal and another***

Opposite Parties

State Counsel.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.10.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard.

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 learned counsel has also the support of decision of the Hon'ble apex Court reported in AIR 1999 SC 1416, decided taking support of the old decision of the Hon'ble apex Court reported in AIR 1965 SC 155. This Court accordingly disposes of the writ petition directing stay of the Disciplinary Proceeding vide Dhenkanal District Proceeding No. 1 dated 16.03.2008 under Annexure-1 involving the petitioner till finalization of the Criminal Trial vide Vigilance P.S. Case No.34

of 2007 pending in the court of Special Judge, Vigilance, Cuttack. This Court also directs the trial involving Berhampur Vigilance P.S. Case No. 34 of 2007 be expedited.

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

Issue urgent certified copy as per rules.

(Dr. B.R. Sarangi)
Judge

Ashok

