

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1511 OF 2009

SK. Abdul Aziz

.....

Petitioner

*Mr. S. Mohanty,
Advocate*

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.02.2021

Order No.

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This matter is taken up by video conferencing mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner and Mr. N.K. Praharaj, learned Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking direction to opposite party no.2 to reinstate him by allowing to discharge his normal duty. He further seeks to quash the proceeding and charges, as it has not been completed within the time frame as stipulated by the Odisha Administrative Tribunal in O.A. No.559(C) of 2005.

4. Mr. S. Mohanty, learned counsel for the petitioner contended that the petitioner filed this writ petition in the year 2009 and the opposite parties have filed their counter affidavit on 18.12.2009 stating, inter alia, the case of the petitioner has been referred to the Government for passing necessary orders to finalization of the proceeding, which is

awaited. In the meantime, 12 years have passed and what action has been taken by the State, has not been communicated to the petitioner till date.

5. Mr. N.K. Praharaj, learned Standing Counsel for the State contended that since the proceeding has been initiated against the petitioner, direction may be issued to conclude the said proceeding in pursuance of the order passed by the Odisha Administrative Tribunal in O.A. No. 559(C) of 2005. He further contended that he is not aware of the latest position.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that opposite party no.2-Director, Animal Husbandry & Veterinary Service, Cuttack has taken proper pursuant to order passed by the Odisha Administrative Tribunal in OA No.559(C) of 2005 by submitting proposal to opposite party no.1-Principal Secretary to Government of Odisha, F & ARD, Deptt. vide letter No.3090 dated 28.11.2007 for issuance of necessary orders to finalization of the proceeding initiated against the petitioner.

7. In view of such position, this Court disposes of the writ petition directing opposite party no.1 to take a decision on the proposal submitted by opposite party no.2 vide letter No.3090 dated 28.11.2007 in compliance of the order passed by the Odisha Administrative Tribunal in O.A. No.559(C) of 2005 as expeditiously as possible, preferably within a period of three months, if no decision has been taken in the meantime, from the date of production/communication of

the authenticated copy of this order.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Alok

(DR. B.R. SARANGI)
JUDGE

