

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.22920 of 2022

Vangada Viswanadham **Petitioner**

-versus-

State of Odisha & Others **Opposite Parties**

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
19.9.2022

Order No

- 2.** 1. This matter is taken up through Hybrid Mode.
2. It is submitted by Mr. A.P. Das, learned A.S.C that he has entered appearance for the opp. party-company on 15.9.2022 by filing vakalatnama.
3. Heard.
4. The present Writ Petition has been filed with the following prayer.

“To direct the opp. party No.1 i.e. the Insurance Company to change the inquiring officer, considering his conduct to be biased and malafide towards the petitioner.

And further pleased to quash the order dated 8.3.2022 wherein the defence assistance was denied to the petitioner.

And further be pleased to direct the opp. party Insurance Company to allow the petitioner to submit the written statement of defence and proceed with the inquiry.”

5. Mr. Behera, learned counsel for the petitioner submitted that even though the proceeding against the petitioner was initiated on 22.4.2021, but he was provided with the relevant documents in order to enable him to file the written statement of

defence on 7.2.2022 under Anneuxre-2. It is submitted that on receipt of the documents, even though the petitioner was ready to file the written statement of defence, but that was not accepted by the Disciplinary Authority on the ground that it has not been submitted within the time stipulated . The further grievance of the petitioner is that he made an application to engage a defence Assistant but the same was rejected as per the daily order sheet available at Annexure-3 dated 8.3.2022. Accordingly, Mr. Behera, learned counsel for the petitioner submitted that he will be seriously prejudiced, if the written statement of defence is not accepted and his prayer for engagement of the defence Assistant is not considered favourably. Mr. Das, learned counsel for the Company on the other hand submitted that the prayer for engagement of defence Assistant has been rightly rejected.

6. Heard learned counsel for the parties.

7. Considering the submissions made, this Court finds that even though the proceeding was initiated on 22.4.2021, but admittedly, relevant documents were provided to the petitioner on 7.2.2022 only. Therefore, the action of the Disciplinary Authority in not accepting the written statement of defence on the ground that it was not submitted within the period specified in the memorandum dated 22.4.2021 is not legal and permissible. Therefore, this Court directs Opp. party No.4 to accept the written statement of defence, if it will be submitted by the petitioner within a period of fifteen days from today.

8. With regard to engagement of defence Assistant, this Court after going through the relevant rules, finds that an employee is permitted to take the assistance of any other employees of the company and in terms of that provision, the petitioner has made an application, but the same has been rejected vide order dated 8.3.2022 under Annexure-3. Since the concerned employee is permitted to take assistance of any other

employees of the company in terms of the provision contained under Rule 25(6) of the National Insurance Company (Conduct, Disciplinary and appeal) Rule 2014. it is observed that if a fresh application is made by the petitioner for taking such assistance, the same shall be considered afresh in the light of the provision contained under Rule 25(6) of the aforesaid Rules. The petitioner is permitted to make such an application within a period of two weeks and the Disciplinary Authority shall consider the same in accordance with the said provision prior to proceeding further in the matter.

9. The Writ Petition is disposed of with the aforesaid observation and direction.

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(Biraja Prasanna Satapathy)
Judge

sangita

