

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C(OAC) No.2367 of 2018

Pitambar Rout

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

Order No

ORDER
20.9.2022

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. R.N. Mishra, learned A.G.A.
- 3.** The Petitioner is aggrieved by the order dated 8.3.2018 passed by Opp. Party No.2 under Annexure-5. It is submitted by the learned counsel for the petitioner that pursuant to the order passed by the learned Tribunal on 18.8.2015 in O.A. No.3882(C) of 2013 under Annexure 4, though the proceeding initiated against the petitioner vide Proceeding No. 3 of 1998 was treated as dropped, but the period of suspension was treated as Leave due. It is submitted that once a proceeding is treated to be dropped, the period of suspension cannot be treated as Leave Due in view of the provisions contained under Rule 91 (2) read with Rule (91) (4) of the Orissa Service Code.
- 4.** Mr. R.N. Mishra, learned A.G.A also did not dispute the provision contained under Rule 91(2) and (4) of the Orissa Service Code with regard to dealing with the period of suspension once a proceeding is treated as dropped.

4. In view of such clear provision contained in the Orissa Service Code, this Court while interfering with the order, so far it relates to treating the period of suspension is concerned, directs Opp. party No.2 to take a fresh decision on the same in accordance with the provision contained under Rule 91 (2) & (4) of the Orissa Service Code . Such a fresh exercise shall be taken up and completed within a period of two months from the date of receipt of this order. After such reconsideration, if it is found that the petitioner is entitled to get the benefit, the same shall also be extended within the aforesaid time

eriod. The petitioner is directed to provide a copy of this order to Opp. party No.2 within a period of seven days from the date of receipt of this order.

5. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge