

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2115 of 2018

Subrat Kumar Giri

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.10.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. Prusty, learned Standing Counsel appearing for the Opp. Parties.

3. The Petitioner has been filed the present writ Petition with the following prayer:-

“(a) The Original Application be allowed.

(b) The notice for disengage from service dt.18.07.2018 under Annexure-5 be quashed.

(c) The Respondents be directed to regularize the service of the Applicant w.e.f.23.04.2017 as a Primary School Teacher with all consequential benefits;

(d) The Respondents be directed to release the arrears w.e.f.23.04.2017 to till date, within a date to be fixed by this Hon’ble Tribunal;

(e) Such other order/orders be passed granting complete relief to the applicant.”

4. It is submitted that even though the notice of disengagement was issued against the Petitioner on 18.07.2018 under Annexure-5, but the Petitioner was never disengaged and he was allowed to continue as before. It is also submitted that the said notice of disengagement

was issued in view of the implication of the Petitioner in G.R. Case No. 341 of 2013. It is also submitted that in the said Criminal Proceeding the Petitioner has already been acquitted vide judgment dtd.01.08.2018 under Annexure-4 to the writ Petition.

5. Mr. Mohanty, learned counsel for the Petitioner submitted that in view of the acquittal in the Criminal Proceeding and the fact that the Petitioner was never disengaged, the period of suspension needs to be regularized by the concerned Authority.

6. Mr. Prusty, learned Standing Counsel on the other hand submitted that the notice of disengagement was issued as the Petitioner remained in custody for more than 48 hours.

7. Having heard learned counsel for the Parties and in view of the fact that the Petitioner has been acquitted in the Criminal Proceeding and he was never disengaged at any point of time, this Court directs the O.P. No. 3 to take a decision with regard to the regularization of the period of service of the Petitioner for the period remained under suspension.

8. It is observed that while taking such a decision the order of acquittal passed in favour of the Petitioner be taken into consideration by the said Opp. Party. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this order.

9. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha