

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.32237 of 2021**

***Dr. Hadubandhu Routray***

....

***Petitioner***

Mr. D.N. Rath,  
Mr. A.K. Saa,  
Advocates

*-versus-*

***Office of th Hon'ble Lokayukta,  
Odisha & Ors.***

....

***Opposite Parties***

Mr. R.P. Mohapatra,  
Addl. Govt. Adv.

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
07.02.2022**

**Order No.**

01. 1. This writ petition involves a challenge to the order of the Lokayukta in Case No.LY-437/2020.
2. Mr. Rath, learned counsel for the Petitioner-Dr. H.B. Routray, Ex. C.D.M. & P.H.O challenging the impugned order attempted to nullify the direction so far as the Petitioner is concerned being issued by the Lokayukta on the premises that there is no consideration of the written statement plea of the Petitioner-Dr. H.B. Routray in the inquiry conducted by the Lokayukta. Further it is also contended that basing on the materials available on record there has been appointment to the person concerned and therefore, there is no illegal action at least by Dr. H.B. Routray. It is on the premises that the Lokayukta failing to appreciate such aspect, Mr. Rath, learned

counsel for Petitioner claimed for interference in the impugned order being passed by the Lokayukta.

3. Considering the submission made by Mr. Rath, learned counsel for Petitioner and on going through the materials produced by him, this Court finds, even though Dr. H.B. Routray was given opportunity of written statement and also to have his say and further even though Dr. H.B. Routray took positive plea that the appointment was based on the recommendation made by the Selection Committee, Dr. H.B. Routray failed to establish through the documents that there is in fact selection. Materials produced before the Lokayukta and the inquiry report clearly reveal that the selection list involved therein doesn't contained the name of the person given appointment by Dr. H.B. Routray. Further for the provisions contained in the Lokpal and Lokayuktas Act, 1995, the observation, if any, made by the Lokayukta is merely a recommendation. For the opinion of this Court that the recommendation is based on a reasonable cause and after entering into inquiry and providing opportunity to the Petitioner, this Court finds, there is no unreasonableness in such recommendation requiring interference of this Court. It is, however, observed, in the event any disciplinary proceeding and criminal proceeding involving the Petitioner is initiated, Petitioner has not only the scope of defence but such proceeding will also be decided independently and will have to be considered on its own merit and without being influenced by the observation made by the Lokayukta.

4. In the circumstance this Court also finds, there is no serious prejudice to the Petitioner. This Court, therefore, declines to interfere in the impugned order.

5. The writ petition is accordingly dismissed at admission stage itself.

***(Biswanath Rath)***  
***Judge***

*Ayas Kanta Jena*

