

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.2341 OF 2018

Rama Chandra Behera

.....

Petitioner

*Mr. B.K. Mohanty,
Advocate*

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.09.2022

Order No.

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This matter is taken up by hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking direction to opposite party no.3 not to proceed with the departmental proceeding, vide Cuttack UPD Proceeding No.10 of 2016, till final adjudication of the criminal proceeding, vide Cuttack Vigilance P.S. Case No.7 of 2016.

4. Learned counsel for the petitioner contended that for the selfsame cause of action both criminal proceeding and departmental proceeding are continuing simultaneously. Therefore, direction be issued to opposite party no.3 not to proceed with the departmental proceeding, vide Cuttack UPD Proceeding No.10 of 2016, till final adjudication of the criminal proceeding, vide Cuttack Vigilance P.S. Case No.7 of 2016.

5. This Court is not inclined to issue any direction to opposite party no.3 not to proceed with the departmental

proceeding, vide Cuttack UPD Proceeding No.10 of 2016, till final adjudication of the criminal proceeding, vide Cuttack Vigilance P.S. Case No.7 of 2016, in view of judgment of the apex Court in ***Capt. M. Poul Anthony v. Bharat Gold Mines Ltd.***, (1999) 3 SCC 679, wherein it is held that departmental proceedings and proceedings of criminal case can proceed simultaneously as there is no bar.

6. Accordingly, the writ petition merits no consideration and the same is dismissed.

Alok

(DR. B.R. SARANGI)
JUDGE

