

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OAC) No.1053 of 2016

Bhagyadhar Prusty

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.08.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.K. Swain, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A
3. The petitioner is aggrieved by the order communicated vide Memo No.2014 dated 30.12.2015 by the General Manager, DIC, Kendrapara-Opp. party No.3 under Annexure-9 wherein the period from 1.7.2014 to 31.8.2014 and 1.11.2014 to 10.6.2015 was treated as Leave without Pay. Mr. Swain, learned counsel for the petitioner submitted that such order was passed and communicated without issuing a show-cause to the petitioner and without giving any opportunity of hearing. It is also submitted that when the said order was challenged before this Court and notice was issued, a proceeding was initiated against the petitioner vide memorandum dated 7.10.2016 annexed vide Annexure-G to the counter. Mr. Swain accordingly submitted that since for the self-same period, a proceeding has been initiated, prior to any decision in the said proceeding, the impugned order at Annexure-9 should not have been passed. This Court after going through the article of charges and statement of imputation also finds

that the period indicated under Annexure-9 is also the subject matter in the said proceeding initiated on 7.10.2016. Since it is submitted that the said proceeding has not yet been finalized, this Court while interfering with the impugned order quash the same and held that the said period shall be subject to the final outcome of the Departmental Proceeding.

4. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

