

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.1246 of 2015

Dr. Annada Prasada Tripathy Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
20.06.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Parties.
3. Learned counsel appearing for the Petitioner submits that there is no opening of defence in the D.P.
4. Considering that there is no opening of defence and that during pendency of the criminal trial, filing of defence by the Petitioner in the Disciplinary Proceeding will jeopardize the prospect of the delinquent-Petitioner involving the criminal case, this Court finds support of the submission of learned counsel, who has also the support of decision of the Hon'ble apex Court, reported in AIR 1999 SC 1416, decided taking support of the old decision of the Hon'ble apex Court reported in AIR 1965 SC 155. This Court accordingly disposes of the Writ Petition directing stay of the Departmental Proceeding drawn up vide Memorandum No.4636 dtd.02.03.2015 involving the Petitioner till finalization of the

Vigilance Proceeding in Bhubaneswar Vigilance P.S. Case No.14/2014, pending in the Court of learned Special Judge (Vigilance), Bhubaneswar. This Court also directs the trial involving Vigilance P.S. Case No.14 of 2014 be expedited.

5. It is the responsibility of the Petitioner to serve copy of the order on the trial court within a period of ten days as undertaken.

6. The Petitioner may utilise the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notification No.4587 dated 25.3.2020.

(Biraja Prasanna Satapathy)
Judge

Sneha

