

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.3028 of 2015

Kali Prasad Panigrahi

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.07.2022

Order No

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

2. Heard Mr. Samal on behalf of Mr. P.K. Mishra, learned counsel for the Petitioner and Mr. K.K. Das, learned ASC appearing for the Opp. Parties.

3. The Petitioner is aggrieved by the order of dismissal passed on 14.12.2015 under Annexure-10 by the Chief Engineer, Minor Irrigation, Odisha, Bhubaneswar.

4. Mr. Das, learned ASC submitted that the Petitioner was dismissed from service because of his conviction and sentence passed in a Vigilance proceeding by the Special Judge, Vigilance, Phulbani in T.R. Case No.81 of 2013 corresponding to G.R. Case No.93 of 2013. Mr. Das further submitted that challenging such order of conviction and sentence the Petitioner approached this Court in Criminal appeal No.38 of 2015 and the said appeal is subjudiced before this Court. Mr. Das accordingly submitted that

since the Petitioner is a convicted employee no illegality has been committed by the Authority in terminating him from his service vide the impugned order at Annexure-10.

5. Heard learned counsel appearing for the Parties. It is not disputed that the Petitioner is terminated from his service because of his conviction in the aforesaid vigilance case and it is also not disputed that such order of conviction and sentence is subjudiced before this Court in criminal appeal No.338 of 2015. This Court after going through the materials available on record finds that no illegality has been committed by the O.P. No. 2 in passing the order of dismissal under Annexure-10 and accordingly is not inclined to interfere with the same.

6. However, it is observed that the said order of dismissal shall be subject to the final outcome in the aforesaid criminal appeal No. 338 of 2015. The Petitioner, if so likes may make necessary application for early disposal of the appeal.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha