

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1805 of 2016

Fakir Mohan Mishra

....

Petitioner

-versus-

Collector, Bolangir & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
21.12.2022**

Order No

- 05.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Pursuant to the order passed by this Court on the last occasion, counter affidavit on behalf of O.P. Nos. 1 & 2 is filed in Court today. The same be kept on record.
3. Heard Mr. K. Dash, learned counsel for the Petitioner and Mr. D.K. Mohanty, learned Addl. Standing Counsel appearing for the Opp. Parties.
4. The present writ petition has been filed with a prayer to quash the order dtd.11.03.2016 and 18.04.2016 under Anenxure-3 & 4, wherein the Petitioner was directed to pay certain amount.
5. It is the sole contention of the learned counsel for the Petitioner that prior to finalization of the proceeding with determination of the liability, if any, the impugned orders under Annexure-3 & 4 have been issued by the O.P. No. 1 and accordingly the same are not sustainable in the eye of law.

6. In the counter affidavit filed by O.P. Nos. 1 & 2 it is also admitted that since the proceeding was not finalized the Petitioner approached this Court in W.P.(C) No. 30125 of 2022 and this Court vide order dtd.29.11.2022 while disposing the writ petition, directed the O.P. No. 1 to conclude the same within a period of two (2) months from the date of production of the certified copy of the order, failing which it will be deemed that the Departmental Proceeding stands terminated in acquittal of the Petitioner from all the charges.

7. In view of such factual position and the fact that the order of recovery has been issued against the Petitioner vide order at Annexure-3 & 4 prior to finalization of the proceeding with determination of the liability, the said order cannot be sustained in the eye of law. Accordingly, this Court is inclined to quash the order at Annexure-3 & 4 so far as it relates to the present Petitioner.

8. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha