

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.2107 of 2016

Maheswar Mohapatra ***Petitioner***
Mr. Soubhagya Chandra Devdash, Advocate
with Mr. Premanda Mohanty, Advocate
-versus-
State of Odisha & Others ***Opposite Parties***
Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN
ORDER
08.08.2022

Order No.

05. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 2107 of 2016 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 2107 of 2016.
3. The grievance of the Petitioner is that though by office order dated 19th May, 2016 passed by Principal Secretary to Government reinstating the Petitioner in the service pending finalization of Departmental proceeding, disciplinary proceeding has been initiated against him by issue of memorandum of charge dated 19th May, 2016 at Annexure-5, the same has been finalized as on date.
4. Mr. Soubhagya Chandra Devdash, counsel for the Petitioner submitted that during the pendency of this writ petition, the Petitioner has already been retired on attaining the age of superannuation on 30th June, 2016. The continuance of the departmental proceeding would be prejudicial and as a consequence the Petitioner is deprived of getting pension as well as retiral benefits.

5. Mr. L. Samantaray, Additional Government Advocate submitted that it would be sufficed if a direction is issued to the authority concerned.

6. Without expressing opinion on the merits of the revival contentions, interest of justice would be best served if the disciplinary authority shall be concluded within a period of six months. The disciplinary authority is requested to issue notice to the Petitioner for the purpose of participation in the departmental proceeding. The Petitioner is at liberty to participate and produce all relevant materials before the disciplinary authority and the authority may pass appropriate orders and communicate the same to the Petitioner.

7. With the aforesaid observation, the writ petition is disposed of.

(M.S. Raman)
Judge

Laxmikant

