

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28380 of 2022

Bijay Kumar Malik

....

Petitioner

Mr. A.K. Acharya, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. N.K. Praharaj, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with a prayer to quash the Disciplinary Proceeding vide Memorandum No.22255 dated 30.10.2013 initiated against the petitioner under Rule-15 of the Odisha Civil Service (CC&A) Rules, 1962 and further prays for a direction to the authorities to give all consequential service and financial benefits to the petitioner.
4. It is submitted by Mr. Acharya, learned counsel for the petitioner that while the petitioner was working as a Forest Ranger, a Departmental Proceeding was initiated against him in the year 2013. He further contends that in the meantime, almost nine years have been passed however, the disciplinary proceeding has not come to an end. As such, it is submitted that the petitioner is deprived of his service and financial benefits. It is also contended by learned counsel

for the petitioner that in view of the pendency of the proceeding, the petitioner is not getting promotion, which he is entitled to.

5. It is further contended by learned counsel for the petitioner that on earlier occasion, the petitioner had approached this Court by filing a writ petition bearing W.P.(C) No.2768 of 2022, which was disposed of by order dated 09.02.2022 with a direction to the authorities to give promotion to the petitioner to the rank of Assistant Conservator of Forest from 22.12.2012 i.e. the date from which his juniors and batchmates got such promotion and further, such promotion be made subject to outcome of the disciplinary proceeding. Since the authorities did not comply with the order, the petitioner was compelled to approach this Court by filing CONTC No.5138 of 2022, which was also disposed of vide order dated 23.08.2022.

6. Further, learned counsel for the petitioner submits that till date the order passed by this Court in the earlier writ petition has not been complied with by the opposite parties, which amounts to deliberate flouting of this Court's order and as such contumacious.

7. Learned counsel for the State, on the other hand, submits that he has no objection, if a direction is given to the authorities to consider the grievance of the petitioner in accordance with law within a stipulated period of time.

8. Having heard the contentions of the learned counsel for the respective parties, this Court disposes of the writ petition at the stage of admission, without expressing any opinion on the merits of the case, with a direction to the Additional Chief Secretary, Department of Forest, Environment and Climate Change, Government Odisha, Bhubaneswar-Opposite Party No.1 to conclude the disciplinary

proceeding, if any, against the petitioner as expeditiously as possible preferably within a period of eight weeks from the date for production of certified copy of this order. Further, it is directed that in the event, proceeding is not concluded within the aforesaid time frame, it will be deemed that the proceeding has terminated and accordingly, all consequential service and financial benefits be released in favour of the petitioner within a period of two months thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

