

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) NO.1801 OF 2014

Ranjita Rani Mishra

....

Petitioner

Mr.C.S.Panda, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.R.K.Samal, SC

CORAM:

JUSTICE BISWANATH RATH

ORDER

5.7.2022

Order
No.

3.

1. Heard learned counsel for the Parties.
2. On closure of the State Administrative Tribunal, the Original Application being transferred to this Court has been registered as WPC(OA) in its original form involving the following prayer :-

“In view of the facts mentioned in para-6 above the applicant prays for the following reliefs :

- i) To direct the Respondent No.3 to carry out the instructions given by the Respondent No.2 dtd.29.10.2014 as at Annexure-7 quashing the letter dtd.29.04.2014 issued by Respondent No.3 as at Annexure-11 in the interest of justice.
 - ii) To direct the Respondents to give all consequential and service benefits from the date of her reporting her joining w.e.f. 03.06.2010 including the financial benefits.
 - iii) To grant any relief/reliefs as deemed fit and proper.”
3. Learned counsel for the Petitioner submits that for the subsequent development, vide Annexure-16 in the ultimate disposal of the disciplinary proceeding involving the Petitioner, prayer no.1 does not survive. Therefore, the Petition is only confined to prayer

no.2 involved herein. In course of hearing, Sri Panda, learned counsel for the Petitioner in reference to his prayer no.2 taken note herein above and reading together with development through Annexure-16 submitted that for the punishment imposed on the Petitioner and for the Petitioner had already submitted her joining report on 3.6.2010, her period from 6.3.2010 has to be considered and/or regularized appropriately.

4. It is made clear that there is no further challenge to the order of the disciplinary proceeding, vide Annexure-16. There remains no doubt, the Petitioner has accepted the penalty imposed, vide Annexure-16 in disposal of the disciplinary proceeding. It is in the above background, learned counsel for the Petitioner requested for entertaining and allowing prayer no.2 herein.

5. Mr.R.K.Samal, learned Standing Counsel for the School & Mass Education Department, however, in his opposition taking this Court to the counter averment submitted that for pendency of the disciplinary proceeding at the relevant point of time, there was no occasion for considering the prayer no.2 involved herein. However, there requires consideration of such request depending on the closure of the disciplinary proceeding on 29.12.2016.

6. Considering the rival contentions of the Parties, this Court finds, Mr.Samal, learned Standing Counsel may be justified in claiming prayer no.2 was premature in the year 2014 but there is no difficulty in considering the same presently. To avoid further litigation, keeping in view the nature of penalty imposed in conclusion of the disciplinary proceeding, vide Annexure-16, for the opinion of this Court, prayer no.2 needs to be examined keeping in view the ultimate penal order, vide Annexure-16. In the process, this Court remits the matter to O.P.1 for considering prayer no.2 while keeping in view the punishment imposed on the Petitioner, vide Annexure-16 and intimate the outcome of the same to the Petitioner by completing the entire exercise at within a period of two months, if necessary, involving the Petitioner. This Court further observes, in the event the Petitioner is entitled to any financial benefit, if any, same may also be determined in the process and released in favour of the Petitioner within two weeks thereafter.

7. With the above observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout