

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.2283 of 2015

Pratap Chandra Singh

....

Petitioner

-versus-

**D.C.P. (Armed) 7th B.N.
Bhubaneswar**

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.07.2022

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Sethi, learned counsel for the Petitioner and Mr. Das, learned ASC appearing for the State-Opp. Parties.
3. Pursuant to the order passed by this Court on 22.06.2022, no affidavit was filed by the Petitioner indicating therein as to whether after filing of the present Writ Petition, any further proceeding has been initiated against him or not.
4. In view of that and taking into account the fact that the present writ Petition was filed against issuance of the memorandum of charges vide Annexure-1, this Court is not inclined to entertain the writ Petition.
5. However, taking into account the order passed by this Court on 15.05.2015, this Court permits the Petitioner to file his written statement of defence within a period of four (4) weeks from today.

6. It is submitted by Mr. Sethi, learned counsel for the Petitioner that in similar issue involved in O.A. No.2723(C) of 2008, learned Tribunal has passed order which has been confirmed by this Court as well as by the Hon'ble Apex Court. The Petitioner is permitted to raise all those points in his written statement of defence and the opp. Party shall take all those aspects into consideration while deciding the matter.

7. It is also submitted that as provided under Rule 836 of the Odisha Police Manual, on initiation of any proceeding under the said Rules, order of reduction in rank / compulsory retirement / removal or dismissal of service can be passed.

8. Mr. Sethi submitted that if the Petitioner will be removed from service, then he will be deprived of all retirement benefits as due and admissible and if the Authority while taking a decision shall consider and pass an order of compulsory retirement then the Petitioner at best be eligible to get the said retirement benefits. It is open for the said Opp. Party to take a decision on such prayer if it will be raised by the Petitioner in his written statement of defence or in due course of the proceeding. Since the proceeding is of the year 2015, Opp. Party is directed to conclude the proceeding in accordance with law within a period of six (6) months from the date of filing of the written statement of defence.

9. It is observed that if the written statement of defence is not filed within the aforesaid period of four weeks, Opp. Party will be at liberty to proceed with the proceeding and pass final order on the same in accordance with law.

10. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

sangita

