

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C)(OAC) No.1893 of 2015**

**Abhaya Charan Khuntia                      ....                      Petitioner**

***-versus-***

**State of Odisha & Ors.                      ....                      Opposite Parties**

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
27.06.2022**

**Order No**

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. R.K. Bisoi, learned counsel for the Petitioner and Mr. G.N. Rout, learned Addl. Standing Counsel appearing for the State-Opp. Parties.
3. The rejoinder filed in Court today be kept on record.
4. The Petitioner is aggrieved by the communication issued dtd.13.04.2015 by O.P. No. 1 under Annexure-4, wherein it was proposed to withhold the entire pension and gratuity in full permanently in pursuance of Rule 7 of the OCS (Pension) Rules, 1992.
5. It is submitted by Mr. Bisoi, learned counsel for the Petitioner that though the Petitioner was convicted and sentenced arising out of Berhampur Vigilance P.S. Case No.18 dtd.20.08.1993 but in the

impugned communication dtd.13.04.2015 the vigilance P.S. Case number has been wrongly placed as Vigilance P.S. Case No. 17 dtd.26.06.2005. But it is not disputed that in the aforesaid Berhampur Vigilance Case No. 18 dtd.20.08.1993 the Petitioner was convicted and sentenced vide Judgment dtd.10.11.2014 passed by the learned Special Judge, Special Court, Bhubaneswar in T.R. Case No.5/182 of 2012/1998. It is also not disputed that challenging the order of conviction and sentence the Petitioner has approached this Court in Criminal Appeal No.594/2014. This Court while admitting the Appeal has not passed any order staying the operation of the order of conviction and sentence.

6. Since there is no dispute that the Petitioner is convicted and sentenced in the aforesaid Vigilance Case and the aforesaid appeal is pending before this Court, there is no illegality in the communication issued dtd.13.04.2015 issued under Annexure-4. This Court is accordingly not inclined to interfere with the same.

7. However, it is observed that the stipulation contained in the said communication dtd.13.04.2015 shall be subject to the final outcome in Criminal appeal No.594 of 2014. The Petitioner is granted liberty to move any application for early disposal of the appeal, if he so desires.

8. With the aforesaid observation and direction the writ Petition is disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**

*Sneha*