

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.2818 of 2015

Sukadev Behera

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
22.07.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) Let the Original Application be admitted, records as deem necessary be called for and hearing the counsel for the parties, upon notice, allow the same, directing deletion of the name of the applicant from the list of persons allegedly held responsible for the stated misappropriated amount of Govt. money from the IAY money deposited with the Jatani Block and consequently forestall any recovery from the applicant for such alleged embezzlement of Govt. money and the original Application be allowed accordingly”.

4. It is submitted that when audit report under Annexures-1 & 2 were submitted reflecting the name of the petitioner therein, the Petitioner on apprehension that recovery will be made basing on the said report filed the present writ petition.

5. Mr. Mishra, learned Addl. Government Advocate on the other hand submitted that after submission of the report, a proceeding was been initiated against the Petitioner and in the meantime enquiry report has been submitted. It is also submitted that no recovery basing on the audit report has been effected from the petitioner.

6. In view of such submission made by Mr. Mishra, this Writ Petition is disposed of with an observation that the final decision that will be taken in the disciplinary proceeding will be the guiding factor for taking any further action against the petitioner.

7. However, it is observed that if the proceeding so initiated against the petitioner has not yet been disposed of, the disciplinary authority shall conclude the same in accordance with law within a period of six months from the date of receipt of this order.

8. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat