

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) NO.1624 OF 2014

Manoj Kumar Parida

....

Petitioner

Mr.K.K.Swain, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

2.8.2022

Order
No.

1.

1. Heard learned counsel for the Parties.

2. The Original Application involves the following relief :-

“Under the above circumstances, it is humbly prayed that the Original application may be allowed and the enquiry report dated 22.2.2014 and the second show cause notice dated 6.5.2014 under Annexure-10 series may be quashed/set aside the disciplinary proceeding initiated against the applicant may be kept in abeyance or stayed awaiting the final outcome of the criminal case initiated against the applicant and any other order/orders or direction/directions may be issued so as to give complete relief to the applicant.”

3. Undisputedly, there is continuance of disciplinary proceeding and simultaneously vigilance proceeding involving same cause of action but under different authorities. Finding inconvenience in the commencement of evidence in the disciplinary proceeding and for no commencement of criminal proceeding, the Original Application was moved in the year 2014. Entertaining the Original Application, the Tribunal passed the following order dated 23.5.2014 :-

“Taken up in vacation bench.

Heard learned counsel for the applicant Mr.K.K.Swain and learned Addl. Standing Counsel Mr.H.K.Panigrahi.

The applicant has approached this Tribunal challenging the disciplinary proceeding, which has been initiated on the selfsame charge on which a criminal proceeding is pending against the applicant. It is submitted that the applicant will be seriously prejudiced in his defence in the criminal case unless disciplinary proceeding is stayed.

Learned Addl. Standing Counsel on the other hand submitted that there is no bar for the criminal case and the disciplinary proceeding to go simultaneously.

Issue notice. Counter be filed within four weeks and rejoinder, if any, be filed within two weeks thereafter.

List after six weeks.

So far as interim prayer is concerned, let the disciplinary proceeding may proceed, but no final order shall be passed without leave of this Tribunal.

Send notice along with this order to the respondents at the cost of the applicant.”

4. Reading the aforesaid order, this Court finds, there is direction for not to finalize the disciplinary proceeding. In course of hearing, it has been brought to the notice of this Court that the criminal proceeding is yet to be over.

5. This Court disposing of the Writ Petition observes, if there is no closure of the Disciplinary Proceeding and evidence therein has not commenced, the same should be kept pending at least till evidence in criminal proceeding involved is completed. In the meantime, the Parties are directed to expedite the criminal proceeding.

(Biswanath Rath)
Judge