

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.1249 of 2016

Amin Khan *Petitioner*

Mr. C.S. Panda, proxy counsel on behalf
of Mr. L. Samal, Advocate

-versus-

Commissioner of Police, *Opposite Parties*
Bhubaneswar-Cuttack & Another

Mr. P.K. Mohanty, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER

29.08.2022

Order No.

- 05.** 1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 1249 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 1249 of 2016.
3. Mr. C.S. Panda, proxy counsel on behalf of Mr. L. Samal, counsel for the Petitioner submitted that the Petitioner assailed memorandum of charges issued by the Opposite Party No.2-Deputy Commissioner of Police, Bhubaneswar. The prayer in the writ petition essentially is that the Petitioner would suffer irreparable injuries, in the event the Departmental proceeding is continued and concluded before the conclusion of the criminal proceeding. The learned Odisha Administrative Tribunal vide order dated 30th June, 2016, while issuing notice in the matter protected the Petitioner by way of following interim order:-

“So far as prayer for interim relief is concerned, relying on the settled position of law in the case of Shyamghana Biswal Vrs. State Bank of India reported in 96 (2003) CLT 82 and Noida Entrepreneurs Association Vrs. Noida (2008) 1 SCC (L & S) 672, let the departmental enquiry may proceed, but no final order shall be passed without leave of this Tribunal or till conclusion of the criminal case.”

4. At the time of hearing today, Mr. C.S. Panda, proxy counsel on behalf of Mr. L. Samal, counsel for the Petitioner submitted that he has no up-to-date instruction in this matter.

5. In view of such submission, the writ petition has been rendered infructuous by efflux of time.

6. Interim order dated 30th June, 2016 passed by learned Odisha Administrative Tribunal is vacated. However, in view of the prayer made by Mr. C.S. Panda, counsel appearing on behalf of Mr. L. Samal, Advocate for the Petitioner, liberty is granted to the Petitioner to revive the same within a period of 90 days, if cause of action still subsists.

7. With the aforesaid liberty, the writ petition stands disposed of.

(M.S. Raman)
Judge

Laxmikant