

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29192 of 2022

Abul Pradhan

....

Petitioner

Mr. T. Nanda , Adv.

-versus-

State of Odisha and others

...

Opposite Parties

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

12.12.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner and the learned counsel for the State. Perused the writ petition and the documents annexed therewith.
3. The present writ petition has been filed with a prayer to quash the Departmental Inquiry vide P.R. Department Memorandum No.7029/P.R. dated 24.05.1999 under Annexure-2 initiated against him by the Opposite Party No.1 on the ground of delay and laches as well as taking into consideration the fact that the Petitioner has already been acquitted by the learned Additional Sessions Judge, Padampur in Criminal Appeal No.62/37/6 of 2008/2013 which was confirmed by this Court vide order dated 09.03.2021 passed in CRLLP No.65 of 2019 under Annexure-4. The Petitioner has also prayed for a direction to grant him promotion with immediate effect

and to release all financial and service benefits as due and admissible to him.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner joined in Government service as Junior Clerk in Binika Tahasil on 06.07.1984 and till date he has rendered 38 years of service. He further contended by the learned counsel for the Petitioner that the Petitioner is going to retire w.e.f. 31.12.2023 after almost rendering 38 years of continuous service. He further submits that while he was working as Cashier of Jharbandh Block in the district of Bargarh under Bijepur Tahasil, a criminal case was initiated against the Petitioner. Accordingly, a departmental proceeding was also initiated against him. It is further contended that a departmental proceeding and criminal proceeding are based on self-same charges and in the meantime, the Petitioner has faced the trial although he was convicted by the trial court, however, he has been acquitted in appeal and the judgment of the appellate court has been upheld by this Court. Therefore, the matter has attained finality with acquittal of Petitioner from all charges in the criminal case. It is further contended by Mr. Nanda, learned counsel for the Petitioner that the departmental proceeding is pending since 1999, i.e. for almost about 23 years, as a result of which, the Petitioner is neither getting any promotion in service nor getting other financial benefits as due and admissible to him.

5. Learned counsel for the State, on the other hand, submits that since the departmental proceeding was initiated on the basis of the criminal proceeding and due to pendency of the criminal proceeding, the departmental proceeding could not be concluded. He further submits that now criminal proceeding has to come an end with acquittal of the Petitioner, the departmental proceeding can be

taken up by the Inquiry Officer and by a direction of this Court, the same can also be concluded within a stipulated period of time.

6. Considering the submission made by the learned counsel for the respective parties, this Court disposes of the writ petition by directing the Disciplinary Authority-Opposite Party No.1 to expedite the Departmental Proceeding pending against the Petitioner and conclude the same within a period of four weeks from the date of production of certified copy of this order in accordance with law. Further, it is clarified that if the departmental proceeding is not concluded within the aforesaid period, it would be deemed that the proceeding has terminated automatically and, accordingly, the authorities are directed to extend all service benefits including promotion to the Petitioner as due and admissible to him in accordance with law within a period of four weeks thereafter.

(A.K. Mohapatra)
Judge

Debasis