

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.1901 of 2016

Kartikeswar Moharana Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
08.08.2022**

Order No

- 04.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. At the outset, Mr. Rath on behalf of Mr. Panda, learned counsel for the petitioner submitted that the petitioner will not press for the relief so far as grant of 2nd RACP is concerned.
4. It is submitted that during pendency of the proceeding initiated in the year 2003 the benefit of ACP which fell due on 4.9.2006 was not allowed in favour of the petitioner.
5. It is further submitted that the petitioner was also exonerated in the said proceeding initiated in the year 2003.
6. However, it is submitted that by the time the petitioner was exonerated in the 1st proceeding, another proceeding was already initiated against the petitioner on 21.05.2011 under Annexure-3.

7. However, it is submitted that since the Petitioner was exonerated from the proceeding initiated against the petitioner in the year 2003, and the benefit of ACP was due on 04.09.2006, the initiation of the 2nd proceeding in the year, 2011 may not stand as a bar for sanction of the ACP as due and admissible in favour of the petitioner.

8. Even though a counter affidavit has been filed by the Opposite Parties, but in view of the nature of prayer made by the petitioner, this court while disposing the writ petition directs the Opposite Party No.1 to take a fresh decision with regard to the entitlement of the petitioner to get the benefit of ACP taking into account the fact that the same was due on 04.09.2006 and the Petitioner is exonerated in 1st proceeding initiated in the year 2003. The said exercise shall be completed within a period of three months from the date of receipt of this order. The petitioner is directed to serve a copy of the order on the opposite party No.1. within a period of seven days and the opposite party No.1 is directed to act on the same.

8. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat