

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) Nos.2361 of 2013 & 4467 of 2015

Managobinda Behera Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
28.06.2022**

Order No

04.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. L. K.Mohanty, learned counsel for the Petitioner in WPC (OAC) No.2361 of 2013 and Mr. R.K.Sahoo in WPC (OAC) No.4467 of 2015.
- 3.** WPC(OAC) No.2361 of 2013 has been filed with the following prayer:-

“(i) The order of suspension dated 15.7.2008 and the show-cause notice dated 30.06.2011 vide Annexures-2 & 3 may kindly be quashed.

(ii) The applicant may kindly be reinstated in service with all financial benefits with effect from date of suspension.

(iii) And / or may kindly also grant any other relief and / or reliefs which your Lordship think deem fit and proper for the benefit of the applicant”.

4. It is submitted that during pendency of the said matter, when the Petitioner was issued with 2nd show cause in the proceeding initiated against him WPC(OAC) No.4467 of 2015 was filed. This Court while issuing notice of the matter vide order dated 21.01.2016 passed an interim order that no coercive action shall be taken against the applicant till filing of the counter.

5. It is submitted that during subsistence of the said interim order, the petitioner has retired from service in the meantime.

6. Since the Petitioner during subsistence of the interim order has already retired from service, the authorities are at liberty to finalize the proceeding in accordance with law. The Petitioner is directed to file his written statement of defence within a period of four weeks from today.

7. Since the Petitioner was allowed to continue by virtue of the interim order passed on 21.01.2016, and he has retired in the meantime, the subsistence allowance as due and admissible and which was the subject matter in WPC (OAC) No.2361 of 2013 be released in favour of the Petitioner within a period of three months from the date of receipt of this order.

8. With the aforesaid observations and directions, both the Writ Petitions are disposed of.

(Biraja Prasanna Satapathy)
Judge