

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.4174 of 2014

Bipin Bihari Nayak

....

Appellant

-versus-

State of Odisha & Others

....

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.05.2022**

Order No

02.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. B. Routray, learned Senior Counsel along with Mr. S.K.Samal for the Petitioner and Mr. Praharaj, learned counsel for the State-Opposite Parties.
- 3.** It is submitted that the Petitioner while continuing as a Lecturer in Chemistry in Government College, Sundargarh, he was placed under suspension vide notification dated 05.05.1999.
- 4.** It is submitted that subsequent to such order of suspension, the Petitioners was allowed the subsistence allowance vide order issued on 12.01.2011 at Annexure-4.
- 5.** It is further submitted that subsequently a proceeding was initiated against the Petitioner vide Memorandum dated 28.07.2011 under Annexure-5.
- 6.** It is also submitted that subsequent to his reinstatement, vide letter dated 09.01.2014 under Annexure-6, the Principal Government College, Sundargarh submitted the proposal for fixation of pay to the Petitioner.

7. It is further submitted that during pendency of the matter before this Court the Petitioner was exonerated from the charges vide Office order dated 17.12.2018 and in the meantime the Petitioner has also retired from service w.e.f. 31.10.2019.

8. In view of such position, this Court while disposing the Writ Petition permits the Petitioner to make a fresh representation with regard to the regularization of the period of service and consequential fixation of pay and release of financial benefits before the Opposite Party No.1 within a period of three weeks hence.

9. It is also observed that if such an application is made within that time, the Opposite Party No.2 is directed to take a lawful decision on the same, taking into account the Office order passed on 17.12.2018 and the recommendation made by the Principal on 09.01.2014 under Annexure-6. The entire exercise shall be completed within a period of three months from the date of receipt of such representation.

10. It is further observed that on such consideration if the Petitioner is found eligible to get any financial benefit, the same shall also be disbursed in his favour within a further period of three months.

11. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat