

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.1986 of 2017

Jagat Jiban Badaseth

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.07.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. K.C.Sahu, learned counsel for Petitioner and Mr. Samal, learned Standing Counsel for the State-Opposite Parties.
- 3.** The Petitioner is aggrieved by the order of disengagement issued by the District Project Coordinator, RTE-SSA, Kandhamal, Phulbani.
- 4.** It is submitted that the Petitioner while continuing as Gana Sikshyak in Upper Madhuguda under Kotagarh Block in the district of Kandhamal, the Petitioner because of his implication in a criminal case, he was issued with the show cause by the Collector-cum-District Magistrate, Kandhamal vide order dated 20.08.2013. As no reply was filed by the Petitioner to such show cause, the Collector-cum-CEO, Zilla Parishad, Kandhamal passed the order of disengagement on 04.04.2013 and basing on that order the impugned order dated 05.04.2013 has been passed by the District Project Coordinator under Annexure-3.

5. Mr. Sahoo, learned counsel for the Petitioner submitted that in the meantime the Petitioner was acquitted in the said criminal case vide judgment dated 8.8.2017 passed by the learned S.D.J.M., Baliguda in G.R. Case No.10 of 2013 under Annexure-4. It is further submitted that after his acquittal the Petitioner though is approaching the opposite parties time and again seeking his reinstatement, but the Opposite Parties are not taking any decision on the same.

6. Mr. Sahoo submitted that since the Petitioner was terminated because of his implication in a criminal case and he has been acquitted in the meantime, his prayer for reinstatement needs consideration by the Opposite Parties. In support of the same, he brought to the notice of this Court, a decision reported in **2014(1) ILR CTC, 1070**. Relying on some decisions passed by the Hon'ble Apex Court, this Court in the said decision has held that after such acquittal, the employee concerned is required to be reinstated in his previous post.

7. Mr. Samal, learned Standing Counsel for the State on the other hand submitted that since the Petitioner did not submit any reply to the show cause, Collector-cum-CEO, Zillaparishad, Kandhamal-Opposite Party No.3 passed the order of disengagement and basing on that Annexure-3 was issued by the District Project Coordinator.

8. Mr. Samal further submitted that since the Petitioner has been acquitted in the meantime let him approach the Opposite Party No.3 for his reinstatement.

9. Considering the submission made by the learned counsel for the Parties, this Court while setting aside the order dated 5.4.2013, direct the Opposite Party No.3 to take a fresh decision with regard to reinstatement of the Petitioner within a period of three months from the date of receipt of this order.

10. It is observed that while taking such a decision, the said Opposite Party No.3 shall take into consideration the decision of this Court as cited (supra).

11. With the aforesaid observations, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

