

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29793 of 2022

Fakir Mohan Mishra

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. This writ petition has been filed by the Petitioner with a prayer to quash the Departmental Proceeding No.237 dated 09.02.2010 initiated against him by the Collector, Bolangir under Annexure-3 on the ground of delay and laches on the part of the Opposite Parties and taking into account the fact that he has retired from service w.e.f. 30.04.2022 as P.E.O., Puintala after attaining the age of superannuation with further prayer his suspension period from 25.04.2009 to 26.05.2010 be treated as duty and release his all retiral/financial benefits within a stipulated period of time.

4. Learned counsel for the Petitioner submits that a proceeding which was initiated against the Petitioner is pending since 2010. It is also contended that the Petitioner has been recently diagnosed with cancer and, accordingly, he is undergoing chemotherapy, for which he needs money for such treatment. During the pendency of the departmental proceeding, the Petitioner is not getting retiral and other financial benefits.

5. Learned counsel for the State has no objection if the Opposite Party No.2-Collector, Bolangir is directed to conclude the departmental proceeding within a stipulated period of time.

6. Considering the submission of the learned counsel for the respective parties, this Court disposes of the writ petition at the time of admission by directing the Opposite Party No2 to conclude the pending departmental proceeding 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 the authorities shall sanctioned and disbursed all retiral benefits including pensional benefits and to pay the same to the Petitioner within a period of four weeks thereafter.

(A.K. Mohapatra)
Judge