

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 452 of 2013

Narendra Kumar Routray

.....

Petitioner

Mr.S.P. Dhal, Advocate

Vs.

State of Odisha

.....

Opposite parties

Mr. M. Balabantaray, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.02.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S.P. Dhal, learned counsel for the petitioner and Mr. M. Balabantaray, learned Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize his service for the period of suspension from 23.08.1997 to 17.03.2001 as duty and to pay him all service dues for the said period in view of the final order of punishment imposed on him.

4. Mr. Dhal, learned counsel for the petitioner contended that the petitioner while working as a District Sub Registrar, Khurda a disciplinary proceeding was initiated on him on 23.11.1997. Owing to contemplation of the disciplinary proceeding, the petitioner was placed under suspension. Thereafter, charge was framed against the petitioner on 07.01.1999 on the allegation of acceptance of documents relating to the Cooperative Societies without stamp duty and registration fees and thereby causing huge loss of Revenue to Government with malafide intention and non deposit of government money through challans by the Head Clerk, Shri Golak Bihari Das of the office of the District Registrar, Khurda, Bhubaneswar and thereby causing misappropriation of Government money. While such proceeding was continuing, the

petitioner retired from service. However, on conclusion of the proceeding penalty was imposed on the petitioner for withdrawal of 10% of pension for a period of three years vide order dated 07.08.2012 under Annexure-11. The petitioner accepted the same and as such the order of punishment has been inflicted on him and also been executed. But fact remains nothing has been mentioned in the final order dated 07.08.2012 in Annexure-11 so far as the period he remained under suspension, i.e. from 23.08.1997 to 17.03.2001. Therefore, the petitioner has approached this Court in the present writ petition.

5. Mr. M. Balabantaray, learned Standing Counsel referred to the stand taken in the counter affidavit more particularly at paragraph 13 thereof, wherein the opposite parties have admitted that although punishment has been imposed on the petitioner, but the period of suspension from 23.08.1997 to 17.03.2001 has not been decided by the Government. Therefore, Government in Revenue Department has been moved to finalize the period of suspension at the earliest so as to redress grievance of the applicant.

6. Though such counter affidavit has been filed in the year 2014 and in the meantime more than 8 years have been passed, nothing has been placed on record with regard to the steps taken by the Government regarding the period of suspension from 23.08.1997 to 17.03.2001. Therefore, this Court disposes of the writ petition directing the opposite parties to pass appropriate order and take a decision with regard to period of suspension of the petitioner from 23.08.1997 to 17.03.2001 as expeditiously as possible, preferably within a period of three months from the date of communication of the order.

7. With the above direction, the writ petition stands disposed of.