

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2776 of 2012

Sivaji Patnaik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.12.2022

Order No

- 06.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Ms. Soma Pattnaik, learned counsel for the Petitioner and Mr. A.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. Ms. Pattnaik produces before this Court the notification dtd.28.11.2022 along with a memo, wherein the present Petitioner has been allowed to retire from Govt. service voluntarily w.e.f.30.11.2022 as per Rule 42 of the OCS (Pension) Rules, 1992. The memo along with the notification be kept on record.
4. Ms. Pattnaik, learned counsel for the Petitioner contended that basing on the complaint made by a private person an inquiry was conducted and the Enquiry Officer submitted a clean chit while submitting the enquiry report under Annexure-2. But the Authority concerned without assigning any reason and instead of accepting the same, when directed for a fresh inquiry vide Annexure-4 & 5, the present writ petition was filed challenging such action of the concerned Authority. It is contended that since the direction to

cause fresh inquiry was made without assigning any reason, the same cannot be sustained in the eye of law. It is also contended that since the Petitioner in the meantime has been allowed to take VRS, no useful purpose will be there to go for fresh inquiry in terms of Annexure-5.

5. Mr. Das, learned ASC on the other hand submitted that since the Authority concerned has directed for fresh enquiry, no prejudice will be caused to the Petitioner if it is undertaken.

6. Having heard learned counsel for the Parties and taking into account the fact that the Petitioner has been allowed to take VRS w.e.f.30.11.2022 and the Petitioner is protected by an interim order passed by the learned Tribunal on 24.07.2012, it is the view of this Court that no useful purpose will be served by allowing the Authority to go for fresh inquiry. Accordingly, this Court is inclined to quash the said direction contained under Annexure-4 & 5.

7. The writ petition is accordingly allowed.

(Biraja Prasanna Satapathy)
Judge

Sneha