

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.256 of 2013

Rohit Kumar Thait

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

28.02.2022

Order No

1. This matter is taken up through Hybrid Mode.
2. Heard the learned counsel for the Petitioner and the learned counsel for the State.
3. It is submitted by Mr. Patnaik, learned counsel for the Petitioner that he does not want to press the prayer No.i.
4. Accordingly, the prayer No.i is not pressed.
5. During course of submission, it came to the light of this Court that even though vide order dated 01.02.2013, the opposite parties were permitted to continue with the departmental proceeding, with the observation that the final order shall not be passed without the leave of the Tribunal, but till date, no progress has been made to the departmental proceeding initiated against the Petitioner.
6. It is further submitted by the learned counsel for the Petitioner that for the self-same allegation Sambalpur

Vigilance P.S. Case No.55 of 2008 is pending before the learned Special Judge, Vigilance, Sambalpur and in view of such pendency of the disciplinary proceeding, it is submitted that he will be prejudiced if the disciplinary proceeding is finalized prior to dispose of the above vigilance proceeding. Since in the order dated 1.2.2013 the respondents were allowed to continue with the departmental proceeding with an observation that the final order shall not be passed, but no progress has been made to the said proceeding after appointment of the enquiry officer vide letter dated 30.11.2012. Therefore, it is directed that the opposite party No.1 to continue with the proceeding by following the relevant provisions but not to pass the final order before disposal of the vigilance proceeding. It is also directed that the Petitioner shall take appropriate steps for conclusion of the Vigilance Proceeding initiated against him by making necessary application to that effect within a period of one month hence. If no such application is filed by the petitioner within that time, seeking disposal of the vigilance proceeding as indicated above, the opposite party No.1 will be at liberty to pass the final order in the disciplinary proceeding.

7. With the aforesaid observation and direction, the Writ Petition (OA) is disposed of.

(Biraja Prasanna Satapathy)
Judge