

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.339 of 2017

Ramaranjan Dash

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.08.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Nayak, learned counsel appearing on behalf of the Petitioner and Mr. M.K.Balabantaray, learned Standing Counsel for the State-Opposite Parties.

3. The Petitioner has filed the present writ Petition with the following prayer:-

“(i) To direct the State- respondent No.2 to drop the departmental proceeding initiated against the applicant vide charge vide District Proceeding dtd. 19.05.2010 as at Annexure-3 keeping in view that the criminal proceeding based upon the same charge has been closed with clean acquittal of the applicant which was grounded on self same facts and circumstances or in alternative to direct the respondents to conclude the proceeding as at Annexure-3 within a stipulated period failing which the proceeding keeping in view the principle decided by Apex Court described at Annexure-6 failing which it will deem to have been quashed.

(ii) To further direct to regularize the claim of the applicant as per result of the proceeding with in a stipulated time period which were denied to the applicant on the plea of pendency of the DP.

(iii) To grant any other relief / reliefs as deemed fit and proper”.

4. It is submitted that departmental proceeding as well as criminal proceeding were initiated on self-same charges and the Petitioner having been acquitted in the criminal proceeding, the departmental proceeding initiated against him should be dropped. This Court while issuing notice of the matter has not passed an interim order restraining the disciplinary authority from proceeding with the same.

5. Therefore, this Court while disposing the Writ Petition directs the Opposite Party No.2 to conclude the proceeding so initiated against the Petitioner vide memorandum dated 13.03.2009 within a period of six months, if it has not yet been disposed of in the meantime. While disposing the proceeding, the said Opposite Party No.2 shall take into consideration the order of acquittal passed in favour of the Petitioner in the criminal proceeding.

6. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Subrat