

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30125 of 2022

Fakir Mohan Mishra

..... Petitioner
Mr.Trilochan Nanda, Advocate

-versus-

State of Odisha & others

..... Opposite Parties
Mr.P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner with a prayer to quash the departmental proceeding bearing D.P.No.124 dated 25.01.2016 initiated at the instance of the Collector, Bolangir under Annexure-3 on the ground of delay and laches and further for a direction to consider the period of suspension as duty and accordingly retiral and other financial benefits be calculated and paid to the Petitioner within a stipulated period of time.
4. Learned counsel for the Petitioner submits that the Petitioner was working as P.E.O., Puintala Block in the district of Bolangir. While working as Panchayat Executive Officer, Makundapur G.P. and Uparjhar G.P. in the district of Bolangir, a departmental

proceeding was initiated against the Petitioner vide D.P.No.124 dated 25.01.2016 under Rule 15 of the OCS(CCA) Rules, 1962 for gross irregularities committed during his incumbency. He further submits that although the departmental proceeding was initiated, however till date no Enquiry Officer has been appointed as yet. He further submits that in the meantime the Petitioner has retired from service on attaining the age of superannuation with effect from 30.04.2022. It is further contended that now the Petitioner is undergoing treatment of cancer and the financial condition is precarious. In such view of the matter, learned counsel for the Petitioner that the departmental proceeding be quashed on the ground of delay and the authorities be directed to sanction and disburse the retiral benefit as well as pensionary benefit in favour of the Petitioner.

5. Learned Additional Government Advocate on the other hand submits that the Departmental Proceeding is continuing although there is some delay in concluding the proceeding. However, he further submits that in the event this Court directs the authorities to conclude the proceeding, the same shall be concluded within a stipulated time, failing which the proceeding shall automatically stand terminated.

6. Considering the aforesaid submissions and particularly the delay in concluding proceeding and the health condition of the petitioner, this Court directs the Opposite Party No.2 to make all endeavour to conclude the departmental proceeding within two months from the date of production of certified copy of the order, failing which it will be deemed that the departmental proceeding stands terminated in acquittal of the Petitioner from all the charges. Accordingly, the authorities are directed to calculate, sanction and disburse all retiral dues and pensionary benefit as is due and

admissible to the Petitioner and pay the same to the Petitioner within a period of one month from the date of conclusion or termination as has been directed herein above.

7. With the aforesaid observation the writ application is disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

