

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.1625 of 2011

Sarat Chandra Nayak **Petitioner**
Mr. S.N. Pattnaik

-versus-

State of Odisha & others **Opp.parties**

Mr. T.K. Praharaj, Standing Counsel

CORAM:
JUSTICE M.S.SAHOO

ORDER
15.02.2022

Order No.

1.

This matter is taken up through hybrid mode.

Heard learned counsel for the parties.

The writ petition has been renumbered and registered before this Court on 18th November, 2021 after having been transferred from the file of the learned State Administrative Tribunal, Bhubaneswar, after the SAT was abolished.

The copy of the counter affidavit dated 29.01.2013 filed in the Original Application before the learned Tribunal is filed in Court today and taken on record. Copy of the same has been served on the learned counsel for the petitioner.

Learned counsel for the petitioner submits that when the Original Application was filed seeking relief to grant the petitioner the arrear benefits of service in the promotional post (s), after

he was honourably acquitted in the pending criminal case, the petitioner did not instruct the learned counsel regarding the pendency of a Departmental Proceeding (D.P.) for imposition of minor punishment, i.e., D.P., initiated pursuant to the Order No.15879 dated 09.09.2002, Works Department, Government of Orissa, which has resulted in the punishment of stoppage of one increment without cumulative effect.

It is further submitted by the learned counsel for the petitioner that the petitioner has received all the notional service benefits, after being given promotion, as the decision kept in sealed cover, pursuant to the D.P.C. held on 13.02.2002 had recommended the petitioner for promotion. The notional benefits were given after the petitioner was exonerated in the criminal case.

Perusal of Rule-13(iii) read with Rule-15 of the Odisha Civil Services (Classification, Control and Appeal) Rules, 1962, provides for withholding the increments without cumulative effect as a minor penalty.

It is submitted by Mr. Praharaj, learned Standing Counsel that nothing survives for determination as the petitioner has not challenged the initiation and completion of the Departmental Proceeding as referred above.

Learned counsel for the petitioner fairly submits that in fact the petitioner did not challenge the initiation of the Departmental Proceeding.

In view of the above, the writ petition is dismissed.

(M.S.Sahoo)
Judge

Gs

