

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.1288 of 2017

Bharat Chandra Patra

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.09.2022

Order No

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

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.

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

"In view of the facts stated in para-6 above, the applicant prays for the following relief(s):

- a) The Original Application be allowed;*
- b) The order of so-called proceeding No.215 dated 05.01.96 as communicated by the Respondent No.2 dated 27.04.2017 under Annexure-6 be quashed/set-aside.*
- c) The Respondents be directed to regularize the period of suspension from 24.12.1994 to 21.08.2013 as duty.*
- d) The Respondents further be directed to revise the pay of the applicant as per O.R.S.P. Rules, 1998 and 2008 and to release annual increment in favour of the applicant.*
- e) The Respondents be further directed to grant benefits of TBA and RACP in three stages and to release in favour of the applicant with all arrears.*

f) The Respondents be directed to finalise the pension of the applicant after revision of his pay and other service

benefits and release all arrears within a date to be fixed by this Hon'ble Tribunal.

g)Such other order/orders be passed granting complete relief to the applicant ;”

4. It is submitted that without providing copy of the memorandum, the Petitioner was directed to take part in the enquiry by the Enquiry Officer under Annexure-6, the present writ Petition was filed with the aforesaid prayer.

5. Since it is submitted that the notice to participate in the enquiry has been issued prior to providing a copy of the memorandum on the Petitioner, this Court while disposing the writ Petition directs O.P. No. 2 to provide the memorandum along with the article of charges to the Petitioner within a period of one month from the date of receipt of this Order.

6. The Petitioner will also be provided with the relevant documents if prayed for in order to enable him to file written statement of defence within a further period of one month.

7. Since it is submitted that the Petitioner is a retired employee, O.P. No. 2 is directed to conclude the said proceeding after receipt of the written statement of defence within a further period of six (6) months strictly in accordance with the provision contained under the provision of OCS (CCA) Rules, 1962, if there is no other legal impediment. The Petitioner is directed to provide a copy of this order before O.P. No. 2 within a period of seven (7) days from the date of receipt of this order. Petitioner is also to co-operate for disposal of the proceeding.

8. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha