

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30664 of 2022

Netrananda Naik

....

Petitioner

Mr.Laxmi Kanta Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.A.Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present writ application has been filed by the Petitioner with a prayer for a direction to the Opposite Parties to finalise the departmental proceeding No.7418 of 2018 under Annexure-2 within a specified period taking into consideration G.A. Department Resolution dated 28.08.1997 under Annexure-6.
4. It is submitted by the learned counsel for the Petitioner that while working as Senior Mining Officer in the Office of Deputy Director of Mines, Baripada Circle, Opposite Party No.3, the Director of Mines, Opposite Party No.2 initiated departmental proceeding No.7418 of 2018 against the Petitioner on the allegation of negligence in duty. It is also submitted by the learned counsel for the Petitioner that on receipt of the notice in the departmental

proceeding, the Petitioner filed his reply denying all the allegations. Being not satisfied with the reply submitted by the Petitioner an enquiry Officer was appointed to enquire into the allegations levelled against the Petitioner vide order dated 10.04.2019 under Annexure-4. He also contends that the enquiry was held in the Office of Opposite Party No.2 from time to time. And the last enquiry was held on 18.07.2019 but till date neither enquiry report has been supplied to the Petitioner to file his reply nor any action has been taken by the Opposite Party No.2 to finalise the departmental proceeding which has been continuing since 01.11.2018 as a result of which RACP benefits has not been granted in favour of the Petitioner for which the Petitioner has been suffering from financial loss every month for no fault of him. It is also contended by the learned counsel for the Petitioner that the G.A. Department issued Memorandum time and again directing the Disciplinary authorities to finalise the Departmental Proceeding against the officials at an early time.

5. Learned Additional Standing Counsel on the other hand submits that since the departmental proceeding initiated against the Petitioner matter is pending since 01.11.2018 before the Disciplinary Authority the Disciplinary Authority, be directed to take suitable action for finalization of the departmental proceeding a stipulated period of time.

6. Having heard learned counsel for the respective parties and upon careful consideration of the factual background of the case, this Court disposes of the writ application at the stage of admission by directing the Disciplinary Authority, Opposite Party No.1 to take necessary steps to finalise the departmental proceeding initiated against the Petitioner. The enquiry has already been concluded as submitted by the learned counsel for the Petitioner and if that be so,

then the departmental proceeding shall be disposed of within a period of four weeks and if it is found that enquiry is not concluded then the authority, Opposite Party no.2 shall dispose of the proceeding within a period of six weeks from the date the Petitioner approaches the authority along with the certified copy of this order.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

