

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30690 of 2022

Kusha Panigrahi

....

Petitioner

Mr.Chandra Sekhar Panda, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr.T.K.Patnaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.11.2022

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 with a prayer to direct the Opposite Parties to quash the punishment imposed against the Petitioner as per order dated 21.06.2021 along with forwarding letter dated 28.07.2022 issued by Opposite Party No.2 under Annexure-11. He has also prayed for a declaration that the punishment imposed and the re-initiation of the proceeding and the enquiry report are illegal and arbitrary along with all other consequential relief.
4. It is submitted by the learned counsel for the Petitioner that while the Petitioner was in service a disciplinary proceeding was initiated against the Petitioner. After conclusion of the enquiry, the Disciplinary Authority has imposed a punishment of compulsory

retirement. As against that, the Petitioner has approached the appellate authority by filing an appeal which is stated to be pending before the Additional Chief Secretary, Home Department, Opposite Party No.1.

5. Learned Additional Standing Counsel on the other hand submits that since there is an alternative remedy, the Petitioner has already availed the alternative remedy. Further, learned counsel for the petitioner submits that the present writ application is not maintainable in view of the remedy of appeal under the Service Law.

6. Considering such submission, this Court disposes of the writ application at the stage of admission directing the appellate authority- Opposite Party No.1 to consider and dispose of the appeal pending before him within a period of three months from the date of production of certified copy of the order. It is further directed that the contentions raised by the learned counsel for the Petitioner as well as the judgment relied upon and the grounds taken be specifically dealt by the appellate authority by providing an opportunity of hearing to the Petitioner and dispose of the same within a stipulated time. Decision so taken be communicated to the Petitioner within two weeks thereafter.

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

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