

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30987 of 2022

Ashok Kumar Mahapatra

....

Petitioner

Mr. Trilochan Nanda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC

Mr. Baidhar Sahoo, Advocate

(For O.P. No.3)

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.12.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. Trilochan Nanda, learned counsel appearing for the Petitioner and Mr. Baidhar Sahoo, learned counsel appearing for the Opposite Party No.3.
3. The present writ petition has been filed by the Petitioner with a prayer to quash the Disciplinary Proceeding No.3871 dated 25.03.2020 initiated against him by the Opposite Party No.3-Chief Executive Officer, Bolangir District Central Cooperative Bank Ltd.
4. It is submitted by Mr. Trilochan Nanda, learned counsel appearing for the Petitioner that in the meantime the Petitioner has retired from service on attaining the age of superannuation w.e.f. 31.05.2020. Therefore, he prays that the authority be directed to conclude the disciplinary proceeding within the stipulated period

of time considering the difficulty faced by a retired Government employee, who is deprived of his service as well as retiral benefits.

5. Mr. Baidhar Sahoo, learned counsel appearing for the Opposite Party No.3 submits that the matter should have been filed before the Cooperative Administrative Tribunal under the Cooperative Societies Act. Therefore, this Court has no jurisdiction to entertain such matter. However, since there is no Presiding Officer at the moment in the Cooperative Administrative Tribunal, the forum has become defunct.

6. In such view of the matter, exercise jurisdiction under Article 226 and 227 of the Constitution of India, which is a constitutional remedy, is not an absolute bar, especially when the alternative remedy provided under the statute is not effective and efficacious, therefore, this Court disposes of the writ petition by directing the Petitioner to approach before the Disciplinary Authority along with the certified copy of this order and on production of certified copy of this order, the Disciplinary Authority shall do well to dispose of the aforesaid pending Disciplinary Proceeding within a period of two months from the date of production of certified copy of this order, failing which it will be presumed that the proceeding has terminated. Further, upon such termination, all consequential benefits shall be released in favour of the Petitioner, if there is no other legal impediment. Further, the Petitioner is directed to cooperate with the Disciplinary Authority for early conclusion of the pending

Disciplinary Proceeding. Further, the Disciplinary Authority is directed to act on production of the certified copy of the order.

7. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

