

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3827 of 2017

Amulya Kumar Champatiray* *Petitioner

None

-versus-

State of Odisha & others* *Opp. Parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

19.12.2022

Hybrid Mode

Order No.

02.

1. None appears for the petitioner when the matter is called.

2. When the matter was last taken up on 12.10.2022, none had appeared for the petitioner and to grant another opportunity to the petitioner the matter was adjourned seeking instruction from the opposite party-State regarding the present status of the departmental proceeding and the following order was passed:-

“1. This matter is taken up through hybrid mode.

2. The writ petition has been registered before this Court on 24.1.2022 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the petition was presented on 20.12.2017 and once listed on 15.2.2018 but not taken up for admission. The matter was never taken up/pursued thereafter.

4. The petitioner in the writ petition challenges the initiation/continuance of the departmental

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proceeding initiated as per the charge memo dated 20.07.2017 (Annexure-5).

5. None appears for the petitioner when the matter is called.

6. Learned Addl. Govt. Advocate does have a copy of the petition and submits that he may be provided with the copy of the petition.

7. The petitioner shall serve copy of the petition on the learned Addl. Govt. Advocate within seven working days.

8. On perusal of the case brief, it is indicated that at Annexure-3 i.e. the order passed by the Hon'ble Supreme Court dated 05.07.2017 is enclosed. The order of the Hon'ble Supreme Court is extracted herewith.

"We are inclined to dismiss this special leave petition finding no merit therein. We order accordingly.

However, we direct the petitioner to conclude the departmental inquiry, as directed by the High Court, within a period of six weeks from today. We hope that the respondent would cooperate in the inquiry and would not indulge in any delaying tactics to prolong it.

Depending upon the outcome of the inquiry, appropriate orders should be passed.

Pending application(s), if any, shall stand disposed of."

9. It is submitted by the learned Addl. Govt. Advocate that since the Supreme Court has confirmed the order passed by this Court that the petitioner can be proceeded departmentally, the present petition is misconceived.

10. To grant another opportunity to the petitioner, list on 22nd November, 2022.

11. Learned Addl. Govt. Advocate shall obtain the up-to-date instruction regarding the present status of the departmental proceeding.

12. Registry shall provide copy of the writ petition to the learned Addl. Govt. Advocate on payment of cost."

3. Learned Addl. Govt. Advocate referring to the letter

No.47870 dated 25.11.2022 received from the State Police Headquarters, Cuttack submits that the Departmental Proceeding No.15/2017 initiated against the petitioner is pending and all steps have been taken to expedite the same and complete at an early date.

In view of the above, since the petitioner is not prosecuting for the reasons best known to him, the writ petition is disposed of.

This order be uploaded.

(M.S. Sahoo)
Judge

