

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.1693 of 2019

Samir Kumar Rout

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp.parties

Mr.D. Nayak, AGA

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

ORDER

13.10.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 31.01.2022 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Bhawanipatna upon abolition.
3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued by order dated 18.05.2019 directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter.
4. In the interim, the learned Tribunal directed the following :

“As regards the interim order, the departmental proceeding may proceed, but final order shall not be passed without leave of the Tribunal.”

5. Learned Additional Government Advocate referring to the decision of the Hon’ble Supreme Court rendered in **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. and another reported in (1999) 3 SCC 679**, submits that there cannot be any prohibition for initiation of

departmental proceeding on the self-same set of allegation as in the criminal case.

6. Learned Additional Government Advocate further submits that the Orissa Civil Service (CCA) Rules also provides for initiation of the departmental proceeding which has been followed scrupulously in the present case.

7. Having heard the learned Additional Government Advocate, the writ petition is disposed of for the lack of up-to-date instruction from the petitioner granting liberty to revive the same within ninety days for any surviving cause of action.

(M.S.Sahoo)
Judge