

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.2198 of 2019

Nagendra Nath

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.10.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.

2. Heard.

3. Considering the submission that during pendency of the criminal trial, filing of defence by the Petitioner in the disciplinary proceeding will jeopardize the prospect of the delinquent-Petitioner involving the criminal case, this Court finds support of the submission of learned counsel has also the support of decision of the Hon'ble Apex Court reported in AIR 1999 SC 1416, decided taking support of the old decision of the Hon'ble apex Court reported in AIR 1965 SC 155. This Court accordingly disposes of the writ Petition directing stay of the Disciplinary Proceeding vide Memorandum No. 166, dtd.13.01.2017 under Annexure-2 involving the Petitioner till finalization of the Criminal Case vide Bhubaneswar Vigilance P.S. Case No.27 dtd.28.05.2016 pending in the Court of learned Special Judge, Vigilance, Bhubaneswar. This Court also directs the trial involving Bhubaneswar Vigilance P.S. Case No.27 dtd.28.05.2016 be expedited.

4. With the aforesaid direction, the writ Petition stands disposed of.

Issue urgent certified copy as per Rules.

(Biraja Prasanna Satapathy)
Judge

Subrat

