

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 2167 of 2019

Dillip Kumr Bishoyi

....

Petitioner

None

-versus-

State of Odisha and another

....

Opp. Parties

Mr. Debasis Nayak, AGA

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

ORDER

12.10.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 01.02.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Bhubaneswar.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices on admission were issued by order dated 25.7.2019 directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter.
4. In the interim, learned Tribunal directed :

“So far as prayer for interim relief is concerned, the departmental proceeding may proceed, but no final order shall be passed without leave of this Tribunal.”

5. It is submitted by learned AGA that Departmental Proceeding can be initiated and continued during pendency of the criminal case on the self-same grounds as per law laid down by Hon'ble Supreme Court in **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. and another, reported in (1999) 3 SCC 679.**

6. Having heard the learned AGA, the writ petition is disposed of granting liberty to the petitioner to revive the same within ninety days for any surviving cause of action.

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(M.S.Sahoo)
Judge

