

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38874 of 2021

Rabindra Nath Jena

....

Petitioner(s)

Mr. R.Ch. Jena,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
22.02.2022**

Order No.

04.

1. Giving stress on the order dated 27.09.2021 passed in W.P.(C) No.29856 of 2021 vide Annexure-4 Mr. Jena, learned counsel for Petitioner contended that once the Petitioner has been provided with opportunity of hearing, there should not have been revocation of suspension without hearing the Petitioner. It is thus contended that the revocation of the suspension is *de hors* the direction of this Court in W.P.(C) No.29856 of 2021.

2. Mr. Panda, learned State Counsel in his opposition submitted that direction given in the above noted disposed of writ petitions was for disposing the disciplinary proceeding giving opportunity of hearing to all the parties concerned within three months from the date of receipt of show cause. Taking this Court to the further direction part in the above writ petition Mr. Panda, learned State

Counsel contended that there is clear direction in the writ petition for conclusion of the Disciplinary Proceeding. Mr. Panda, learned State Counsel also contended that there has been no disposal of the disciplinary proceeding within the time stipulated made in the order passed in disposal of the W.P.(C) No.29856 of 2021 and thus following the direction in paragraph no.5 therein the authority was bound to revoke the order of suspension.

3. Considering the rival contentions of the parties, this Court finds, the writ petition involves a challenge to the order of revocation of the suspension. Reading through the direction of this Court in disposal of W.P.(C) No.29856 of 2021 this Court finds, through paragraph nos.4 & 5 a Co-ordinate Bench of this Court has given the following direction:-

“ 4. Regard being had to the facts and submissions and the nature of relief sought for and without going into the merit of the case, the writ petition is disposed of directing the Opposite Party No.1 to dispose of the disciplinary proceeding against the Petitioner, within a period of three months from the date of receipt of show cause after giving opportunity of hearing to all the parties concerned.

5. It is made clear that, if the proceeding is not completed by the time prescribed, the suspension order shall be revoked on filing of proper application.”

4. For the opinion of this Court there are two part of direction involved therein; one for disposing the disciplinary proceeding giving opportunity to all concerned within the time framed and the second part of the direction is; if the proceeding is not completed within time prescribed, suspension order shall be revoked. Keeping in view the clear submission by both the parties that the Disciplinary

Proceeding is still pending, this Court finds, there is no difficulty in revocation of the order of suspension challenged herein.

5. In the circumstance this Court finds, there is no strength in the Writ Petition to be entertained any further.

6. The writ Petition is accordingly dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

