

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33178 of 2022

Bhagaban Swain

....

Petitioner

Mr. Manas Kumar Chand, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate.
 3. The Petitioner alleges that for the involvement of criminal proceeding as well as disciplinary proceeding on the self same issue, in the event the Petitioner opens his evidence in the disciplinary proceeding, there will remain nothing in the criminal proceeding and the accused in the criminal proceeding will be seriously prejudiced. A request is therefore made for keeping the disciplinary proceeding pending at least till completion of evidence involving criminal proceeding.
 4. Mr. A. Behera, learned Additional Standing Counsel appearing for the State has no objection to such proposition.
 5. Considering the rival contentions and taking into account the settled position of law on the above issue, this Court observes that

the disciplinary proceeding involved herein shall remain stayed for a period of six months in which time the trial court shall complete the evidence involving criminal proceeding. Learned counsel for the Petitioner undertakes Petitioner's cooperation for completion of the evidence. Learned State Counsel is authorized for bringing information to court undertaking the trial.

6. With the aforesaid observation the writ application is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

