IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 9947 of 2026

Sulochana Sethi ..... ***Petitioner***

Mr. L.K. Mohanty, Advocate

-versus-

State of Odisha & Ors. ..... ***Opposite Parties***

Mr. S.P. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
10.04.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard Mr. L.K. Mohanty, learned counsel appearing for the Petitioner and Mr. S.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.

3. The present writ petition has been filed inter alia with the following prayer:-

> *"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue notice to the opp. parties calling upon them to file show cause as to why;*
>
> *i) a direction shall not be issued to quash the order of dismissal dated 24.2.2026 issued by the opp. party no.3 under Annexure -6 which has been passed in gross disregard to the provision of Rule 15 of OCS (CCA) Rule 1962 and why a direction shall not be issued to release the subsistence allowance of the petitioner from the date of suspension till her dismissal.*

ii) And after hearing the parties be passed to quash/set aside the order of dismissal dated 24.2.2026 issued by the opp. party no.3 under Annexure-6 and direct the opp. parties to reinstate the petitioner in service and also release the subsistence allowance to the petitioner from the date of suspension till order of dismissal.

And pass such other order/orders granting complete relief to the petitioner.

And for this act of kindness the petitioner shall as in duty bound ever pray."

4. It is contended that Petitioner vide the impugned order dtd.24.02.2026 under Annexure-6 has been dismissed from Govt. service w.e.f.17.03.2012 because of her conviction in the criminal proceeding vide judgment dtd.08.08.2013.

4.1. Learned counsel appearing for the Petitioner contended that such an order of retrospective dismissal cannot be passed as it is contrary to the decision of the Hon'ble Apex Court in the case of ***State Bank of Patiala & Anr. Vs. Ram Niwas Bansal (Dead) through legal representatives*** reported in AIR 2014 SC 1264.

4.2. It is also contended that Petitioner was placed under suspension vide order dtd.20.04.2012 w.e.f.17.03.2012. However, Petitioner was convicted only vide order dtd.08.08.2013. Therefore, for the period, Petitioner remained under suspension w.e.f.17.03.2012 to 08.08.2013, she is eligible and entitled to get the benefit of subsistence allowance which was never paid to her. It is accordingly contended that appropriate direction be issued to pay the subsistence allowance for the period from 17.03.2012 to 08.08.2013 and the writ

petition be entertained as the impugned order has been passed contrary to the aforesaid decision of the Hon'ble Apex Court.

5. Learned Addl. Standing Counsel on the other hand contended that since the impugned order is not an appealable one, no writ is maintainable. It is also contended that Petitioner can also take all the stand as is available under law before the appellate authority. It is further contended that since Petitioner vide the impugned order has been dismissed w.e.f.17.03.2012, she is not eligible to get the subsistence allowance for the period 17.03.2012 to 08.08.2013.

6. Having heard learned counsel appearing for the Parties, considering the submission made and since it is not disputed that the impugned order is an appealable one, this Court is not inclined to entertain the writ petition. However, it is open for the Petitioner to move the appellate authority.

6.1. It is observed that if the appeal as undertaken will be filed on/before 24th April, 2026, the appellate authority shall entertain the appeal without insisting on any delay and decide the issue on merit.

6.2. However, since Petitioner which is not disputed, remained under suspension w.e.f.17.03.2012 and she was convicted only vide order dtd.08.08.2013, order of dismissal passed with retrospective effect from 17.03.2013 is required to be adjudicated by the appellate authority. However, without prejudice to the rights and contention of both the Parties, this Court directs Opp. Party No. 3 to release the subsistence allowance for the period from 17.03.2012 to 08.08.2013 in modification of the earlier order so passed on 12.12.2025. Opp. Party No. 3 is directed to release the subsistence allowance for the

aforesaid period as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of this order.

7. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified
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Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Apr-2026 18:40:03