IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.10524 of 2026

Priyabrata Pradhan .... ***Petitioner***
Mr. A. Rout, Advocate

-versus-

State of Odisha & Others

.... ***Opposite Parties***
Mr. S. Das, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
10.04.2026

Order No.

01. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. The Present Writ Petition has been filed by the Petitioner *inter alia* challenging the continuation of the disciplinary proceeding so initiated against the Petitioner vide Memorandum dtd.30.05.2024 under Annexure-2, during pendency of the criminal proceeding in Cuttack Vigilance P.S. Case No.8 dtd.23.03.2024 under Annexure-1. It is contended that since on self-same charges, the criminal proceeding is pending in the aforesaid Cuttack Vigilance P.S. Case No.8 dtd.23.03.2024 continuance of the disciplinary proceeding is bad in the eye of law.

4. Placing reliance on the decision of the Hon'ble Apex Court in the case of ***Capt. M. Paul Anthony vs. Bharat***

Gold Mines Ltd. & Another, reported in ***(1999) 3 SCC-679.*** Hon'ble Apex Court in Para-22 has held as follows:-

> ***"22****. The conclusions which are deducible from various decisions of this Court referred to above are :*
>
> *(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.*
>
> *(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.*
>
> *(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.*
>
> *(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the Departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.*
>
> *(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest".*

5. Mr. A. Tripathy, learned Addl. Government Advocate for the State on the other hand contended that even though both the proceedings have been

initiated on self-same charges, but there is no bar to continue with the disciplinary proceeding. Accordingly, it is contended that the prayer as made in the Writ Petition is not maintainable.

6. Having heard learned counsel appearing for the Parties and considering the submissions made and placing reliance on the decision as cited (supra), this Court while disposing the Writ Petition observes that the disciplinary proceeding may proceed against the Petitioner, but no final order will be passed till disposal of the criminal proceeding.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Jyoti

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