**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.12695 of 2023**
**CNR No.ODHC010304242023**

**Sujit Kumar Pradhan** .... **Petitioner**
*Mr. M.K. Khuntia, Adv.*

***-versus-***

**State of Odisha and Others** .... **Opposite Parties**
*Mr. C.K. Pradhan, AGA*

**CORAM:**
**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**
**04.11.2026**

**Order No**

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

**2.** Heard learned counsel for the parties.

**3.** The present Writ Petition has been filed inter alia with the following prayer:-

> *"It is therefore humbly prayed that this Hon'ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs ;*
>
> *i) To quash the order of punishment dtd.27.11.2017 under Annexrue-7.*
>
> *i) To quash the order dtd. 1.06.2021 under Annexrue-10.*
>
> *iii) To quash the order dtd.8.12.2022 under Annexrue-11*
>
> *iv) To direct the opposite Parties to exonerate the petitioner from all the charges levelled against him by rescinding the disciplinary proceeding initiated against him vide proceeding No.28 dtd. 5.6.2015 under Annexure-1.*
>
> *v) To direct the Opposite party lo give all financial and consequential service benefits to the petitioner .*

*vi) And pass such other order/orders as may be deemed fit and proper for the interest of justice."*

**4.** It is contended that in the proceeding initiated against the petitioner in BBSR UPD Proceeding No.25 of 2015 under Annexure-1, the Enquiry Officer after conducting the enquiry, submitted the report under Annexure-3 with the following finding:-

*"In view of the above and after proper analysis of the facts collected during enquiry I am not inclined to hold the charged officer as guilty of the charges."*

**4.**1. It is contended that even though the Enquiry Officer did not find the petitioner guilty of the charges but the Disciplinary while issuing a show-cause under Annexure-4, dis-agreed with the finding of the Enquiry Officer taking into account the statement recorded by the Enquiry Officer of the prosecution witnesses in course of enquiry.

**4.**2. Taking this Court to the statement of the PWs so available in the Enquiry Report under Annexure-3, learned counsel for the petitioner contended that none of the PWs stated anything against the petitioner and taking into account such statement of the PWs, the Enquiry Officer come to a conclusion that petitioner is not guilty of the charges. But without proper appreciation of the statement of the PWs and by indicating that on the face of the statement of the PWs, the Enquiry Officer since has held the petitioner not guilty of the charges, a show-cause notice under Annexure-4 was issued by proposing the punishment of one Black Mark.

**4.**3. It is contended that even though petitioner submitted the representation against the show-cause under Annexure-5, but while

disposing the Proceeding vide the impugned order dated 22.11.2017 under Annexure-7, petitioner was imposed with the punishment of one Black Mark.

**4.**4. It is further contended that even though petitioner preferred an appeal before Opp. Party No.1 under Annexure-8, but the Appellate Authority without proper appreciation of the grounds of appeal, rejected the same vide order dated 08.12.2022 under Annexure-11.

**4.**5. While assailing the impugned order of punishment passed under Annexure-7, so confirmed by the Appellate Authority under Annexure-11, learned counsel for the petitioner contended that since in course of enquiry none of the PWs stated anything about the petitioner, basing on which Enquiry Officer held the petitioner not guilty of the charges, the Disciplinary Authority while issuing the show-cause under Annexure-4, could not have been dis-agreed with the finding of the Enquiry Officer, taking note of the Statement of the PWs.

**4.**6. It is accordingly contended that the ground of dis-agreement so reflected in the impugned show-cause by the Disciplinary Authority-O.P. No.2, with the punishment imposed vide order under Annexure-7, so confirmed by Opp. Party No.1 vide order dated 08.12.2022 under Annexure-11, needs interference of this Court.

**5.** Learned Addl. Govt. Advocate while supporting the impugned order contended that since there is no allegation that principle of natural justice nor there is violation of the statutory

provision, this Court in exercise of the power conferred under Article-226 of the Constitution of India, is not supposed to interfere with the order of punishment so passed by the Disciplinary Authority under Annexure-7, confirmed by the Appellate Authority vide order dated under Annexure-11.

**5.**1. It is further contended that the ground raised by the petitioner in the present Writ Petition, was not the ground taken before the Appellate Authority so filed by the petitioner under Annexure-8. It is accordingly contended that since no such ground was taken that none of the PWs stated anything about the petitioner, the Appellate Authority had no occasion to take note of the same while rejecting the appeal vide the impugned order dated 08.12.2022 under Annexure-11. It is accordingly contended that no interference is called for either to the impugned order passed under Annexure-7, further confirmed under Annexure-11.

**6.** Having heard learned counsel for the parties and considering the submission made, it is found that petitioner while in service he was proceeded with in BBSR UPD Proceeding No.28 of 2015 under Annexure-1. As found, the Enquiry Officer after conducting the enquiry, submitted the report under Annexure-3, inter alia holding that petitioner is not guilty of the charges.

**6.**1. However, Opp. Party No.2 being the Disciplinary Authority while issuing the show-cause under Annexure-4, dis-agreed with the finding of the Enquiry Officer taking note of the statement of the PWs so recorded in course of enquiry. Basing on such show-cause issued under Annexure-4 and in consideration of the reply made by the petitioner under Annexure-5, Opp. Party No.2 while

disposing the proceeding, imposed the punishment of one Black Mark on the petitioner.

**6.**2. Petitioner though preferred an appeal before Opp. Party No.1 under Annexure-8, but the same was also rejected vide order dated 08.12.2022 under Annexure-11.

**6.**3. Considering the submission made and this Court after going through the statement of the PWs, is of the view that the matter requires a fresh consideration by the Appellate Authority.

**6.**4. In view of the aforesaid analysis, this Court for the present is inclined to quash the order passed by the Appellate Authority-O.P. No.1 under Annexure-11. While quashing the same, this Court directs Opp. Party No.1 to take a fresh decision on the appeal filed by the petitioner under Annexure-8.

**6.**5. It is further observed that while taking a fresh decision, relevancy and effect of the statement of the PWs be taken into consideration in its proper perspective. Let the Appellate Authority take a fresh decision as expeditiously as possible, preferably within a period of 3(three) months from the date of receipt of this order.

**7.** The Writ Petition stands disposed of accordingly.

**(Biraja Prasanna Satapathy)**
**Judge**

*Basudev*

Signature Not Verified
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Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Nov-2026 10:33:21