IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 25540 of 2026
CNR No. ODHC010608062026

In the matter of an application under Articles 226 & 227 of the Constitution of India.

.....

Ashrit Kumar Pradhan .... ***Petitioner***

-versus-

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

For Petitioner : Mr. H. Dhal, Sr. Advocate

For Opp. Parties : Mr. A. Tripathy, AGA

PRESENT:
THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 27.10.2026 & Date of Judgment:27.10.2026

Biraja Prasanna Satapathy, J.

1. This matter is taken up through hybrid mode.

2. Hard copy of the counter affidavit filed in Court be kept in record.

3. Heard Mr. H. Dhal, learned Sr. Counsel appearing for the Petitioner and Mr. A. Tripathy, learned Addl. Govt. Advocate appearing for the Opp. Parties.

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

> *"Under these circumstances the petitioner most humbly prays that this Hon'ble Court be graciously pleased to issue a Rule NISI calling upon the opposite parties to show cause as to why;*
>
> *i) the order of dismissal under Annexure-1 dated 6.9.2020 shall not be quashed;*
>
> *ii) the order under Annexure-5 dated 14.7.2026 shall not be quashed;*
>
> *iii) the opposite parties shall not be directed to reinstate the petitioner in service with all consequential benefits;*
>
> *If the opposite parties fail to show cause or show insufficient cause the Rule be made absolute.*
>
> *And for this act of kindness the petitioner as in duty bound shall ever pray."*

5. Learned Sr. Counsel appearing for the Petitioner contended that Petitioner faced a departmental proceeding because of his implication in a criminal case arising out of Rengali P.S. Case No. 151 dtd.29.08.2020 corresponding to T.R. No. 16/25/66 of 2020-22-24 in the file of learned 2nd Addl. Sessions Judge-cum-Judge (Special Court), Sambalpur.

5.1. It is contended that even though both the proceedings were initiated on self-same charges, but without waiting for disposal of the criminal proceeding, Petitioner was dismissed from his services vide order

dtd.06.09.2020 under Annexure-1 so passed by Opp. Party No. 4 in exercise of the power conferred under Article 311(2)(b) of the Constitution of India r.w. Rule 828 of the PMR.

5.2. It is contended that such an order of dismissal was passed as because Petitioner was implicated in the above noted Rengali P.S. Case No. 151 dtd.29.08.2020 for the offence under Sec. 20(b)(ii)(C) of the NDPS Act, 1985.

5.3. Learned Sr. Counsel appearing for the Petitioner contended that subsequently Petitioner was acquitted in the criminal proceeding vide judgment dtd.22.10.2025 under Annexure-2. After such acquittal in the criminal proceeding, Petitioner made a grievance for his reinstatement under Annexure-3. As the same was not considered, Petitioner approached this Court by filing W.P.(C) No. 9470 of 2026. This Court when directed Opp. Party No. 4 to take a decision on the Petitioner's grievance as made under Annexure-3, the same was rejected vide the impugned order dtd.14.07.2026 under Annexure-5 inter alia on the ground that there is no illegality or irregularity with regard to the order of dismissal passed on 06.09.2020 under Annexure-1.

5.4. Learned Sr. Counsel appearing for the Petitioner contended that since Petitioner was dismissed from his services because of his implication in the criminal proceeding and in the criminal proceeding he has been acquitted vide judgment dtd.22.10.2025 and no appeal has been preferred by the State against such order of acquittal, in view of the decisions of the Apex Court in the case of ***Ram Lal Vs. State of Rajasthan and Others, (Civil Appeal No.7935 of 2023),*** so followed in the case of ***Maharana***

Pratap Singh Vs. State of Bihar, ***(Civil Appeal No.5497 of 2025)*** as well as by this Court in the case of ***State of Odisha & Ors. vs. Bansidhar Barik (W.A No.589 of 2025),*** Petitioner is eligible and entitled to get the benefit of reinstatement with quashing of the impugned order dtd.14.07.2026 under Annexure-5 and so also the order of dismissal passed on 06.09.2020 under Annexure-1.

5.5. Hon'ble Apex Court in Para-13, 25 and 30 of the decision in the case of ***Ram Lal*** has held as follows:-

> *"13. However, if the charges in the departmental enquiry and the criminal court are identical or similar, and if the evidence, witnesses and circumstances are one and the same, then the matter acquires a different dimension. If the court in judicial review concludes that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge, the Court in judicial review can grant redress in certain circumstances. The court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in the disciplinary proceedings to stand will be unjust, unfair and oppressive. Each case will turn on its own facts. [See G.M. Tank vs. State of Gujarat & Others, (2006) 5 SCC 446, State Bank of Hyderabad vs. P. Kata Rao, (2008) 15 SCC 657 and S. Samuthiram (supra)]*
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> *xxx xxx xxx*
>
> *25. Expressions like "benefit of doubt" and "honorably acquitted", used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology.*
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> *xxx xxx xxx*

30. In view of the above, we declare that the order of termination dated 31.03.2004; the order of the Appellate Authority dated 08.10.2004; the orders dated 29.03.2008 and 25.06.2008 refusing to reconsider and review the penalty respectively, are all illegal and untenable."

5.6. Similarly Hon'ble Apex Court in Para-47 & 50 of the decision in the case of ***Maharana Pratap Singh*** has held as follows:-

"47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a position settled by the decision in G. M. Tank (supra), since reinforced by a decision of recent origin in Ram Lal v. State of Rajasthan31.

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50. The judgment acquitting the appellant reveals that the prosecution "miserably failed to prove its case beyond reasonable doubt" as both the informant and PW-2 refused to identify the appellant in court. This discussion confirms that the appellant's acquittal was based not on mere technicalities. In Ram Lal (supra), this Court held that terms like "benefit of doubt" or "honourably acquitted" should not be treated as formalities. The Court's duty is to focus on the substance of the judgment, rather than the terminology used."

4.7**.** Similarly, this Court in para-1, 3, 7, 8, 10 & 21 of the decision has in the case of ***Bansidhar Barik*** has held as follows:-

> ***1.*** *The present Writ Appeal arises from the judgment dated 20.11.2024 passed by the learned Single Judge in W.P.(C) No.2265 of 2023, whereby the learned Single Judge was pleased to set aside the order of dismissal dated 05.07.2022 passed by the Superintendent of Police, Kandhamal and the appellate order dated 13.12.2022 passed by the Inspector General of Police, Southern Range, Berhampur, and further directed reinstatement of the writ petitioner with all consequential service and financial benefits.*
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> *xxx xxx xxx*
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> ***3.*** *The facts of this case, in brief, are that the respondent was serving as a Constable in the Odisha Police establishment. On the basis of an allegation arising out of Kandhamal Sadar P.S. Case No.68 dated 29.05.2015, registered under Section 20(b)(ii)(C) read with Section 29 of the NDPS Act, he came under the scanner and was exposed to both criminal prosecution and departmental proceedings.*
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> *xxx xxx xxx*
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> *7. Notwithstanding acquittal in the criminal case, the disciplinary authority proceeded with the departmental inquiry and ultimately passed order dated 05.07.2022 dismissing the respondent from service. The disciplinary*

authority concluded that the respondent had committed grave misconduct unbecoming of police personnel.

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***8**. The respondent preferred departmental appeal in the nature of representation before the Inspector General of Police, Southern Range, Berhampur. The appellate authority, by order dated 13.12.2022, affirmed the dismissal order without granting relief.*

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***10.** The learned Single Judge, upon examining the rival submissions advanced by the parties and upon careful consideration of the materials available on record, placed reliance upon the principles laid down in several judgments. Upon such consideration, the learned Single Judge came to hold that in the facts and circumstances of the present case, the acquittal recorded by the criminal court was not merely technical in nature but was based on failure of the prosecution to establish the involvement of the respondent in the alleged offence. The learned Single Judge further held that the disciplinary authorities had failed to demonstrate the existence of any independent material or evidence which could justify the imposition of punishment despite the acquittal recorded in the criminal trial. Accordingly, the learned Single Judge set aside the order of dismissal as well as the appellate order affirming the same and directed reinstatement of the respondent with all consequential service and financial benefits.*

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***21**. Accordingly, the Writ Appeal being devoid of merit stands dismissed.*

6. Basing on the counter affidavit so filed in Court today, learned Addl. Govt. Advocate contended that since prior to his acquittal in the criminal proceeding, Petitioner had already been dismissed vide order dtd.06.09.2020, acquittal of the Petitioner in the criminal proceeding has got no bearing to the order of dismissal.

6.1. It is also contended that consideration of a departmental proceeding is different to that of the consideration in a criminal proceeding and factum of acquittal in criminal proceeding has got no bearing to the decision taken in the disciplinary proceeding. Stand taken in Para 7 of the counter affidavit reads as follows:-

> *"7. That in reply to the averments made in para-6 of the writ petition, it is humbly submitted that the undersigned has carefully considered the grounds urged in the petitioner's representation dated 10.11.2025. The principal contention raised therein is founded upon a subsequent development, namely, the petitioner's acquittal by the learned Trial Court in connection with Rengali P.S. Case No. 151 dated 29.08.2020 U/s-s 20(b)(ii) (C)/29 of the NDPS Act and the consequential prayer for his reinstatement in service. However, the said subsequent development, by itself does not constitute a valid legal ground for interference with the order of dismissal already passed by the competent authority.*
>
> *It is pertinent to mention here that the petitioner's dismissal from service was not founded upon any conviction recorded by a criminal court. Rather, the order of dismissal was an independent disciplinary action taken by the competent Disciplinary Authority in exercise of the power conferred under Article 311(2)(b) of the Constitution of India, after*

recording the requisite satisfaction for reasons stated therein that it was not reasonably practicable to hold a regular departmental enquiry. Therefore, the subsequent acquittal of the petitioner in the criminal case, by itself, does not ipso facto render the order of dismissal illegal, invalid or otherwise liable to be interfered with."

6.2. It is accordingly contended that no illegality or irregularity has been committed by Opp. Party No. 4 in dismissing the Petitioner from his services vide order dtd.06.09.2020 under Annexure-1 so confirmed vide order dtd.14.07.2026 under Annexure-5.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that because of his implication in a criminal proceeding in Rengali P.S. Case No. 151 dtd.29.08.2020 for the offence under Sec. 20(b)(ii)(c) of NDPS Act, 1985, Petitioner was straight away dismissed from his services by Opp. Party No. 4 vide order dtd.06.09.2020 under Annexure-1 in exercise of the power conferred under Article 311(2)(b) of the Constitution of India r.w. Rule 828 of the PMR.

7.1. However, it is found that Petitioner is acquitted in the criminal proceeding vide judgment dtd.22.10.2025 under Annexure-2 by the learned 2nd Addl. Sessions Judge-cum-Judge (Special Court), Sambalpur. The fact which is not disputed no appeal has been filed by the State challenging such order of acquittal.

7.2. Since Petitioner because of his implication in the criminal proceeding was dismissed vide order dtd.06.09.2020 and he has now been acquitted vide judgment dtd.22.10.2025 under Annexure-2 with having no appeal

preferred by the State, challenging such order of acquittal, this Court placing reliance of the decisions so cited (supra), is of the view that the order of dismissal passed under Annexure-1 confirmed vide order under Annexure-5 are no more sustainable in the eye of law.

7.3. Therefore, this Court is inclined to quash the orders issued under Annexure-1 and 5 and quash them accordingly. While quashing both the orders, this Court directs Opp. Party No. 4 to reinstate the Petitioner in his services with passing of an appropriate order within a period of four (4) weeks from the date of receipt of this order.

7.4. However, it is observed that break period of service be regularized on notional basis and Petitioner will not be entitled to get any financial benefit, save and except the service benefits as due and admissible.

8.The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Orissa High Court, Cuttack
Dated the 27th October, 2026/Sneha

Signature Not Verified
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Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 18:10:57