IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28645 of 2026

CNR No. ODHC010680432026

Prafulla Kumar Mallik .... ***Petitioner***

Mr. S. Roy, Advocate

-versus-

State of Odisha & Anr.

.... ***Opposite Parties***

Mr. S.P. Das, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
11.11.2026

Order No.

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

2. Heard learned counsel appearing for the Parties.

3. Pursuant to the order dtd.10.09.2026 and further order passed on 16.10.2026, learned Addl. Standing Counsel produced the instruction so provided by Department with service of copy on the learned counsel appearing for the Petitioner. The same be kept in record.

4. Basing on the instruction, it is contended that since there is a direction of the learned Tribunal that the proceeding of the enquiry may continue against the Petitioner but no final order in the said proceeding shall

be passed till final disposal of the criminal case, on the face of the initiation of the proceeding vide Memorandum dtd.07.05.2010, no final order was passed in the departmental proceeding.

4.1. However, it is contended that after his acquittal in the vigilance proceeding vide judgment dtd.26.03.2025 in T.R. Case No.28/2012 arising out of Cuttack Vigilance P.S. Case No.6/2010, request has been made to the GA (Vigilance) for vigilance clearance and awaiting such clearance, no further action has been taken.

4.2. It is also fairly contended that State has decided not to prefer any appeal against the order of acquittal basing on the letter issued by the GA (Vigilance) Department on 06.01.2026.

5. Mr. S. Roy, learned counsel appearing for the Petitioner on the other hand contended that the Tribunal while disposing O.A. No.3667 of 2013 passed the order to the effect that the proceeding of the enquiry may continue, but no final order shall be passed till disposal of the criminal case.

5.1. It is contended that even though the Tribunal permitted the Department to proceed with the enquiry and not to dispose of the proceeding till disposal of the criminal case, but no enquiry has been conducted as yet. Not only that even though the criminal proceeding has

already been disposed of in favour of the Petitioner vide judgment dtd.26.03.2025, but no further action has been taken as yet to start the enquiry even.

5.2. It is accordingly contended that since Petitioner is suffering because of the pendency of the disciplinary proceeding and is not getting his retiral benefits, the proceeding be targeted taking into account the fact that the proceeding is of the year 2010 and Petitioner has retired since 31.01.2023.

6. Having heard learned counsel appearing for the Parties considering the submissions made and taking into account the nature of the order passed by the learned Tribunal in O.A. No.3667 of 2013 under Annexure-13 and the fact that Petitioner has already been acquitted in the criminal proceeding vide judgment dtd.26.03.2025 under Annexure-14, with no appeal to be filed as decided by the Department and this Court while disposing the Writ Petition directs Opposite Party No.1 to dispose of the proceeding so initiated against the Petitioner vide Memorandum dtd.07.05.2010 under Annexure-2 as expeditiously as possible in accordance with law within a period of four (4) months from the date of receipt of this order, failing which the proceeding shall be treated as dropped. Petitioner is directed to co-operate for such disposal of the proceeding within the aforesaid time period.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
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Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 13-Nov-2026 15:14:24