



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6234 of 2026

Lalatendu Pal

....

Petitioner

Mr. L. Samal, Adv.

-versus-

**State of Odisha and
Others**

....

Opp. Parties

Mr. S.P. Das, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

**Order
No**

**ORDER
31.03.2026**

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Pursuant to order dated 26.02.2026, learned Addl. Govt. Advocate produced the instruction provided by the department vide letter dated 30.03.2026 with service of copy on the learned counsel for the petitioner. The same be kept in record.
3. Heard learned counsel for the Parties.
4. The present Writ Petition has been filed *inter alia* with the following prayer:-



“It is therefore prayed that your lordships’ would be graciously pleased to admit the writ petition and after hearing the counsels from both the sides issue Writ / Writs in the nature of Mandamus by quashing the Annexure-9 punishment order issued by the Opp. Party No-1 vide order No-4924/PR & DW, dated. 17.02.2026 under which the petitioner who is a retired Govt. Servant has been awarded with the punishment of 1.Censure & 2.Withholding of 1 increment (with cumulative effect).”

5. It is contended that even though the proceeding was initiated against the petitioner while the petitioner was in service vide Memorandum dated 06.01.2024, but by the time the impugned order of punishment was imposed with disposal of the proceeding vide order dated 17.02.2026, petitioner had already retired on attaining the age of superannuation on 31.01.2026.

5.1. It is accordingly contended that since petitioner by the time the proceeding was disposed of, had already retired on 31.01.2026, no punishment as prescribed under Rule-13 under OCS(CCA) Rules, 1962 (in short “Rules”) could have been imposed vide the impugned order. It is accordingly contended that the impugned order requires interference of this Court.

6. Basing on the instruction, learned Addl. Govt. Advocate also fairly contended that punishment so imposed under Rule-13 of the Rules, is not implementable as petitioner has already retired on 31.01.2026.

7. Having heard learned counsel for the parties, considering the submission made and the admitted fact



that by the time the proceeding was disposed of, petitioner had already attained the age of superannuation on 31.01.2026, it is the view of this Court that no such punishment prescribed under Rule-13 of the Rules could have been imposed, so imposed vide the impugned order under Annexure-9.

7.1. Therefore, this Court while quashing the impugned order of punishment dated 17.02.2026 under Annexure-9, remits the matter to Opp. Party No.1 to pass appropriate order in the proceeding initiated vide Memorandum dated 06.01.2024, in accordance with law and by giving opportunity of hearing to the petitioner.

8. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev