



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 6719 of 2026

Panchanan Behera

.....

Petitioner

Dr. J.K. Lenka, Adv.

-versus-

State of Odisha & Anr.

.....

Opposite Parties

Mr. S.P. Das, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.04.2026

Order No. 03

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. Pursuant to order dated 07.03.2026, learned Addl. Standing Counsel produced the instruction provided by the Department vide letter dated 24.03.2026 with service of copy on the learned counsel appearing for the Petitioner in Court.
4. The present writ petition has been filed inter alia with the following prayer:-

“The Petitioner, therefore, most humbly prays that Your Lordship would be graciously pleased to issue rule Nisi calling upon the Opp. Parties to show cause as to why the impugned proceeding dated 1.01.2026 under Annexure-4 should not quashed.

And issue any other writ/writs or direction/directions as would be necessary in the interest of justice;



And if the Opp. Parties fail to show cause or sufficient cause, the rule be made absolute.

And for this act of kindness, the Petitioner shall as in duty bound ever pray.”

5. It is contended that since Petitioner was allowed voluntary retirement with effect from 15.03.2024, Petitioner being a retired employee, no proceeding could have been initiated under Rule 15 of the OCS (CCA) Rules, 1962 but the proceeding in question vide memorandum dated 12.01.2026 under Annexure-4 since has been initiated under Rule 15 of the aforesaid rules, the same is not maintainable

6. Basing on the stand taken in the Writ Petition, this Court passed the following order on 07.03.2026.

“1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. Learned counsel appearing for the Petitioner contended that since Petitioner has already retired from service on compulsory retirement on 15.03.2024, no proceeding under Rule 15 can be initiated against him, so initiated vide impugned Memorandum dtd.12.01.2026.

4. Learned Addl. Standing Counsel is directed to obtain instruction on the same.

5. As requested, list this matter on 23rd March, 2026.

6. Till the next date, no further progress be made to the proceeding in question.”

7. In terms of the order, learned Addl. Standing Counsel produced the instruction and from the instruction it is found that the Petitioner



since has retired w.e.f. 15.03.2024, the proceeding should have been initiated under Rule-7 of the OCS (Pension) Rules, 1992.

8. In view of the admission made in the instruction, this Court is of the view that no proceeding against the retired employee can be initiated under Rule 15 of the 1962 Rules. Therefore, this Court on that ground is only inclined to quash the proceeding so initiated vide memorandum dated 12.01.2026 under Annexure-4. However, quashing of the proceeding will not disentitle the authority concerned to initiate the proceeding in accordance with law.

9. Accordingly. the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti