



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10886 of 2023

Dr. Arun Kumar Samal

....

Petitioner

Mr. J.K. Rath, Sr. Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.05.2026

Order No.

- 11.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel appearing for the Parties.
- 3.** Since it was initially contended by the learned Senior Counsel appearing for the Petitioner that copy of the Memorandum was never served on the Petitioner and in absence of service of the Memorandum, the impugned order has been passed on 09.03.2023 under Annexure-19, this Court passed the following order on 09.12.2025:-

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

2. Heard learned counsel appearing for the Parties.



3. While assailing the impugned order, learned Sr. Counsel appearing for the Petitioner contended that even though no proceeding was ever initiated with service of copy on the Petitioner, but on the ground that Petitioner never participated in the proceeding, the impugned order of punishment was passed. Petitioner when was dismissed from his service, the matter was challenged by filing W.P.C.(OAC) No. 3270 of 2010. Pursuant to order dtd.22.12.2022 so passed by this Court under Annexure-17, claim of the Petitioner was again rejected by the Govt.-Opp. Party No. 1 vide the impugned order under Annexure-19.

4. It is contended that since copy of the memorandum was never served on the Petitioner with due acknowledgement, order of punishment passed in the proceeding so confirmed by the Govt.-Opp. Party No. 1 vide order under Annexure-19 cannot be treated as legal and justified.

5. Learned Addl. Standing Counsel is directed to obtain instruction as to whether the proceeding so initiated against the Petitioner was served on him.

6. As requested, list this matter on 9th January, 2026”.

4. Pursuant to the aforesaid order, while providing the instruction, learned Addl. Government Advocate contended that the proceeding initiated against the Petitioner vide Memorandum dtd.01.01.2000 since could not be served on the Petitioner in spite of all endeavor being taken, the same was published in the newspaper on dtd.01.05.2000.

4.1. It is contended that since because of the non-service of the Memorandum on the Petitioner, the same was published in the newspaper, it has to be held that the proceeding has been duly served on the Petitioner.



4.2. It is accordingly contended that the ground on which the Writ Petition has been filed challenging the impugned order is not entertainable.

5. At this point of time, learned Senior Counsel appearing for the Petitioner prays for some time to take appropriate step in the matter.

6. On the request made by Mr. J.K. Rath, learned Senior Counsel appearing for the Petitioner, list this matter in the week commencing 29th June, 2026.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 08-May-2026 12:02:37

