



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13165 of 2026

Dhirendra Kumar Nayak

....

Petitioner

Mr. S.K. Dalai, Advocate

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. P.K. Sahoo, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

04.05.2026

Order No.

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel for the parties.
- 3.** The present Writ Petition has been filed inter alia with the following prayer:-

“In the aforesaid facts and circumstances, it is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to:

1. Issue a writ of certiorari or any other appropriate writ/order/direction quashing the order of suspension dated 06.01.2018 and the memorandum of charge dated 20.03.2026 (communicated vide letter dated 23.02.2026) under Annexures-2 and 5 respectively, as being illegal, arbitrary, without jurisdiction and violative of the principles of natural justice;

2. Declare that the Opposite Parties have no authority to initiate disciplinary proceedings against the petitioner while he was functioning as Panchayat Executive Officer under the Gram



Panchayat in view of Section 122 of the Odisha Gram Panchayat Act, 1964;

3. Direct the Opposite Parties to extend all consequential service and retirement benefits to the petitioner, including pensionary benefits, without being affected by the impugned proceeding;

4. Pass any other order(s)/direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

4. First of all, it is contended that Opp. Party No.2 is not competent to initiate the proceeding taking into account the status of the petitioner. It is contended that even though petitioner has been appointed vide order issued by the Collector, Bhadrak, but since he is continuing under the Grama Panchayat as PEO, Collector is not competent to initiate the proceeding during his continuance as a PEO under the Grama Panchayat.

5. Learned Addl. Standing Counsel on the other hand placing reliance on the judgment delivered by this Court on 12.12.2025 in W.P.(C) No.39518 of 2023 and batch, contended that Collector is competent to initiate the proceeding even though petitioner is continuing as a PEO under the Grama Panchayat.

5.1. It is accordingly contended that the proceeding has been rightly initiated and it requires no interference.

6. Having heard learned counsel for the parties, considering the submission made and placing reliance



on the judgment delivered by this Court on 12.12.2025 in W.P.(C) No.39518 of 2023 and batch, it is the view of this Court that Collector, Bhadrak is competent to initiate the proceeding. It is open for the petitioner to take his stand as has been taken in the present Writ Petition while filing the written statement of defence.

6.1. Since it is contended that time to file the written statement of defence has already been elapsed, it is observed that if any such written statement of defence will be filed on or before 22.05.2026, the same shall be accepted and Opp. Party No.2 shall proceed with the proceeding in accordance with law, in which this Court expresses no opinion.

7. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev

