



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.13596 of 2025

Khirodnath Khuntia

.....

Petitioner

Represented By Adv. -
Atul Tripathy

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. J.K. Bal, AGA

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

13.05.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the parties. Perused the writ petition and documents annexed therewith.
3. Considering the submission made by learned counsel for the Petitioner that during pendency of criminal trial, filing of defence by the Petitioner in the disciplinary proceeding will jeopardize the prospect of the delinquent-Petitioner involved in the criminal case, this Court finds support for the submission of learned counsel in the aforesaid context from the decision of the Hon'ble apex Court reported in *AIR 1999 SC 1416*, decided taking support of the old decision of the Hon'ble Apex Court reported in *AIR 1965 SC 155*. Similar view has also been taken in a judgment reported in *(2012) 1 SCC- 442*.



4. By filing the present writ petition, the Petitioner has prayed for stay of the Departmental Proceeding dated 27.09.2024 initiated vide against the Petitioner under Annexure-4 till disposal of the Criminal case pending before the learned J.M.F.C., Nimapada in G.R. Case No.847 of 2024, arising out of Kakatpur P.S. Case No.143 of 2024.

5. Learned counsel for the State draws the attention of this Court to the charges framed by Criminal Court and in the Disciplinary Proceeding and contends that the charges in both the cases are different. Therefore, he submits that the ratio decided in the aforesaid Supreme Court judgments are not applicable to the facts of the present case and the disciplinary proceeding against the Petitioner should not be stayed awaiting the verdict in criminal case and further prays for dismissal of the writ petition.

6. This Court on a careful scrutiny of the charges in both proceedings partly agrees with the submission made by learned counsel for the State. However, this Court is also of the view that while continuing with the D.P. the Petitioner would be required to disclose his defence which might be detrimental to his interest involved in the criminal trial.

7. Having heard the learned counsel for the parties and upon a careful analysis of the rival contentions and upon a scrutiny of the writ petition and the documents attached to it, this Court in the greater interest of justice deems it proper to dispose of the writ petition by directing that the Disciplinary Proceeding dated 27.09.2024 under Annexure-4 initiated against the Petitioner shall remain stayed for a period of one year from the date of this order. Further, on production of a certified copy of this order by the Petitioner, the Court in seisin of the trial of G.R. Case No.847 of



2024, arising out of Kakatpur P.S. Case No.143 of 2024, pending in the Court of the learned J.M.F.C., Nimapada shall expedite the trial and make every endeavour to conclude the trial within one year. Parties are directed to cooperate with the trial court in the event, the charge sheet has been filed.

8. With the aforesaid observation and direction, the writ application is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout