



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1072 OF 2023

Santosh Kumar Bhanja

....

Appellant

Mr. Manoj Kumar Khuntia, Advocate

-versus-

***D.G. & I.G. of Police, Odisha, Cuttack
and others***

....

Respondents

Mr. Bibekananda Nayak,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

22.04.2026

Order No.

4.
 1. This matter is taken up through hybrid mode.
 2. In course of hearing, Mr. Khuntia, learned counsel for the Appellant, submits that the Appellant was a Driver Havildar. He faced a disciplinary proceeding on certain charges. But, the Enquiry Officer submitted enquiry report exonerating him from all the charges. When the Disciplinary Authority is in disagreement with the findings of the Enquiry Officer, he shall initiate a fresh enquiry in terms of Clause-10 of Appendix-49 to the Odisha Police Manual, Vol. II.
 3. Mr. Nayak, learned Additional Government Advocate submits that the word employed in the said clause is an under;

“If it is found that the enquiry has not been properly conducted, the punishing authority may order for a fresh enquiry on the point or points suggested.”



Thus, initiation of a fresh enquiry in such a case would be discretionary in nature. He further drew attention to Clause-11 of the said Appendix-49 and submitted that when the Disciplinary Authority is not in agreement with the findings of the Enquiring Authority, a statement to that effect, along with brief reasons for such disagreement, if any, together with the enquiry report, shall be supplied to the Government servant, namely, the delinquent officer.

3.1. Adhering to Clause-11, the Disciplinary Authority sent a notice to show cause and ultimately imposed the punishment of one black mark on the Appellant and also treated his period of suspension as such.

4. Mr. Khuntia, learned counsel for the Appellant, though submits that such an argument is not sustainable in the eye of law, but after arguing for some time, prays for an adjournment to make further preparation and address the Court on the issue.

5. Put up this matter on 29th June, 2026, as prayed for.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

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