



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1519 of 2024

State of Odisha & Another **Appellants**

Mr. J.K. Khandayatray, ASC

-versus-

Ramesh Chandra Nanda **Respondent**

Mr. P.C. Mahapatra, Advocate

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

JUSTICE CHITTARANJAN DASH

ORDER

20.01.2026

Order No.
08.

The State and its officials are in Intra-Court Appeal for laying a challenge to a learned Single Judge's order entered in W.P.C.(OA) No.1802 of 2017 filed by the Respondent herein, wherein a challenge was laid to the order of disciplinary proceedings.

2. Learned ASC-Mr. Khandayatray appearing for the Appellants submits and learned counsel appearing for the Respondents disputes that the learned Single Judge grossly erred in quashing the very disciplinary proceedings on the ground that the same has not been accomplished within the period prescribed by the Tribunal in O.A. No.44 of 2016 that was disposed off on 25.04.2016. Learned ASC submits that an order passed in a disciplinary inquiry, even beyond the period prescribed by the Authority or by the Tribunal, is not a nullity and this aspect having not been duly discussed by the learned Single Judge, the impugned



order has an infirmity apparent on the face of the record and therefore, is liable to be voided.

3. Learned counsel for the Respondent controverts the legal proposition.

4. Both the sides draw attention to some orders made by Co-ordinate Bench of this Court during the pendency of the appeal. We need not much advert to them, since matter lies in a narrow compass and a kind of reprieve can be granted to the Appellants, which aspect we will discuss hereinafter.

5. Having heard learned counsel for the parties and having perused the appeal papers, we decline indulgence in the matter for the following reasons with some reprieve, as under:

5.1. The Respondent was implicated both in vigilance case and in service misconduct. Therefore, he was subjected to certain disciplinary inquiry, which was put in challenge in O.A. No.44 of 2016 by him. The OAT, vide order dated 25.04.2016, had directed accomplishment of the disciplinary proceedings within a period of two months. That order was made after fixing the competing equities involved, namely, the Public Interest of the Administration and the Private Interest of the Retired Employee. However, the disciplinary proceedings were not accomplished within the period specified nor any extension at the hands of the OAT in the line of Section 148 of CPC, 1908 was made. The authorities assumed to themselves the jurisdiction to pass the penalty order and passed one beyond the period specified by the OAT. The decision of Apex Court in *State of Punjab v. Gurudev Singh*, AIR 1992 SC 111 has held that an order of the Court or Tribunal even when is bad in law,



would continue in operation for all ostensive purposes, unless recalled, modified or otherwise made in.

4.2. Learned Single Judge by granting relief to the Respondent has observed at Para-9 & 10 of the impugned order, to the following effect:

“9. This Court is inclined to rely of the aforesaid decisions rendered by this Court in Division Bench and holds that since the subject Disciplinary Authority has not concluded within the period specified by the learned Tribunal while disposing of O.A. No.44 of 2016, the impugned order dated 25th April, 2016 is invalid and inoperative.

10. In the aforesaid circumstances, the writ petition is allowed and the order dated 25th April, 2016 is quashed. In consequence thereof, the Petitioner is entitled to get pension and pensionary benefits. It is therefore, directed that the Opposite Parties may take steps forthwith to disburse the amount to the Petitioner. The entire exercise be completed within a period of four months from today.”

We do not find any infirmity in the said order, inasmuch as the order challenged before the learned Single Judge was passed beyond the period specified by the Tribunal in O.A. No.44 of 2016, as already discussed above. It hardly needs to be stated that the Tribunal established under the provisions of Section 19 of the Administrative Tribunals Act, 1985 is almost a substitute for the High Court vide ***L. Chandra Kumar v. Union of India***, AIR 1997 SC 1125. Therefore, orders cannot be lightly taken and that they have to be treated as if the Writs of Writ Courts.

In the above circumstances, this appeal being unworthy of merits is liable to be rejected and accordingly it is. However, in the peculiar circumstances of the case, liberty is granted to the Appellants to seek extension, within a period of four weeks, at the hands of OAT, which is since abolished, before the jurisdictional



Bench of this Court, if grounds do exist therefor. All contentions of the parties, in that regard be kept open.

Web copy of this order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge

(Chittaranjan Dash)
Judge

Madhusmita