



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.19987 of 2025

Dr.arun Kumar Biswal

.....

Petitioner

Represented By Adv. -
Rupesh Kumar Kanungo

-versus-

1) State Of Odisha

.....

Opposite Parties

2) Addl. Secretary (vigilance) , Bbsr
3) Addl. Secretary, H And F.w.
Dept., Odisha

Represented By Adv. –
Mr. J.K.Bal, A.G.A.

CORAM:

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

ORDER

23.07.2025

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the petitioner as well as learned Additional Government Advocate. Perused the writ application as well as documents annexed thereto.
3. Learned counsel for the petitioner at the outset contended that the petitioner who was serving as a Doctor under State Government was implicated as an accused in a vigilance case. He further contended that after facing trial in T.R. Case No.13 of 2016 in the Court of learned Special Judge, Vigilance, Bhubaneswar, the petitioner has been finally acquitted vide order dated 13.08.2024.
4. Learned counsel for the petitioner further submitted that after acquittal of the petitioner in the abovenoted vigilance case, the learned counsel for the petitioner initially submitted that although the petitioner has filed several representations before the authorities with



a prayer for reinstatement of service, however no final decision has been taken on such prayer of the petitioner. In course of his argument, learned counsel for the petitioner further referred to letter dated 18.12.2024 under Annexure-3 where under the Additional Director, Health Service, Odisha has forwarded the representation of the petitioner to the Additional Secretary to the Govt., H & F.W. Department. However, no decision has been taken on such prayer of the petitioner. Being aggrieved by inaction of the State-Opposite Parties the petitioner has approached this Court by filing the present writ application.

5. Learned counsel for the State on the other hand submitted that although he has no specific instruction in the matter, however on perusal of the pleadings, it appears that the petitioner who was working under the State Government as a doctor was involved in a vigilance case. The pleadings further reveal that he was specifically acquitted of the charges. Learned Additional Government Advocate further submitted that the present writ application has been filed with a prayer to reinstate the petitioner in his service. He further contended that in the event the petitioner has already approached the Opposite Party No.1, who is the competent authority to take a decision in the matter, he will have no objection in the event this Court directs the Opposite Party No.1 to take a decision in accordance with law, within a stipulated period of time, on the grievance of the petitioner.

6. Considering such submissions made by the learned counsel appearing for the petitioner as well as learned Additional Government Advocate, this Court on a careful analysis of the background facts, further keeping in view the subsequent



development that the petitioner has been acquitted in the vigilance case, as is evident from the documents under Annexure-1 to the writ application, the present writ application is being disposed of by granting liberty to the petitioner to approach the Opposite party No.1 by filing a representation taking therein all the grounds along with all supporting documents within two weeks from today. In such eventuality, the Opposite Party No.1 shall do well to consider the case of the petitioner in accordance with law and taking into consideration the ratio laid down by the Hon'ble Supreme Court in ***Ram Lal vs. State of Rajasthan & Ors.*** reported in ***(2024) 1 SCC 175*** and in ***Smt. Nirmala Sahoo vs. State of Odisha & Ors.*** in ***W.P.(C) No.25947 of 2022*** judgment dated 24.03.2023. The representation of the petitioner shall be disposed of by passing a speaking and reasoned order within two months from the date of communication of a certified copy of today's order. The final decision so taken be communicated to the petitioner within ten days thereafter.

7. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(***Aditya Kumar Mohapatra***)
Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 26-Jul-2025 13:34:45

