



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.18212 of 2025

Akshya Kumar Swain

.....

Petitioner

Represented By Adv. -
Rajib Lochan Pattnaik

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
S.K. Parhi, A.S.C.

CORAM:

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

ORDER

07.07.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing for the State- Opposite Parties. Perused the writ application as well as the documents annexed thereto.
3. The Petitioner has filed the present writ application with the following prayer:
- “Under the aforesaid facts, circumstances and contentions, the petitioners humbly, most respectfully pray that this Honourable court be graciously pleased to,
- i. Admit and allow this writ application,
- ii. And direct the Opposite Party No.3 to consider the representation and after quashing the impugned discharge order and directing the



Opposite Parties to reinstate the petitioner with all consequential service benefits

- iii. And pass any such other appropriate orders/ directions/ writs as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interest of justice.”

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as Home Guard on 19.09.2006. While working as such, he was implicated in a criminal case in the year 2021. Thereafter, the Petitioner was arrested and subsequently released on bail. Vide order dated 17.08.2021, the Petitioner was discharged from service on the ground of his involvement in the criminal case.

5. Learned counsel for the Petitioner further submitted that in the meantime the Petitioner faced trial in the criminal case i.e. in T.R. Case No.41 of 2021. By virtue of the judgment dated 16.04.2025 passed in T.R. Case No.41 of 2021 by the learned Additional Sessions Judge-cum-Special Judge, Jeypore under Annexure-3, the Petitioner has been acquitted from all charges in the trial. Learned counsel for the Petitioner at this juncture, referring to the judgment of the Hon’ble Supreme Court in ***Ram Lal vs. State of Rajasthan & Ors.*** reported in ***(2024) 1 SCC 175*** as well as of this Court in ***Tapan Kumar Pradhan @ Tapan Pradhan vs. State of Odisha & Anr.*** in ***W.P.(C) No.15879 of 2019*** vide judgment dated 30.01.2024, contended that since the Petitioner has been acquitted in the meantime, the case of the Petitioner is required to be considered for reinstatement in service as per the law laid down in the abovenoted judgments of the Hon’ble Supreme Court as well as of this Court.



6. Learned counsel for the State on the other hand contended that he does not have specific instruction in the matter. However, taking into consideration the dispute involved in the present case, he further submitted that the Petitioner should have approached the Opposite Parties before approaching this Court. He further submitted that as is evident from the pleadings made in the writ application it appears that the Petitioner has already approached the Opposite Parties in the shape of a representation dated 13.05.2025. In the event such representation is still pending, learned counsel for the State contended that he will have no objection in the event this Court directs the Opposite Parties to consider the representation of the Petitioner strictly in accordance with law by taking into consideration the judgments applicable to the facts of the Petitioner's case, within a stipulated period of time.

7. Considering the submissions of learned counsels for the parties, on a careful examination of the background facts as well as materials on record, further keeping in view the limited nature of grievance of the Petitioner, this Court deems it proper to dispose of the writ application at the stage of admission by directing the Opposite Party No.3 to consider & dispose of the representation of the Petitioner under Annexure-4 dated 13.05.2025, if the same is still pending, strictly in accordance with law, within a period of eight weeks from the date of communication of a certified copy of this order by the Petitioner. It is needless to mention here that the representation of the Petitioner shall be considered and disposed of by passing a speaking and reasoned order. It is further directed that while



considering the representation of the Petitioner, the Opposite Party No.3 shall take into consideration the law laid down by this Court as well as the Hon'ble Supreme Court as has been discussed hereinabove. The final decision so taken by the Opposite Party No.3 be also communicated to the Petitioner within ten days from the date of taking such a decision.

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

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil