



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20657 of 2025

Brundaban Majhi

.....

Petitioner

Represented By Adv. -
Amiya Kumar Chhatoi

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Samresh Jena, A.S.C.

CORAM:

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

ORDER

25.07.2025

WP(C) No.20657 of 2025 & I.A. No.12426 of 2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel 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:

“In view of the facts stated above the Petitioner prays that this Hon'ble Court may graciously be pleased to issue a writ in the nature of writ of Certiorari quashing initiation of departmental proceeding dated 31.10.2014 under annexure-2, enquiry report dated 30.05.2024 under annexure-4 and order of punishment dated 17.04.2025 under annexure-9 and consequential letter dtd. 13.06.2025 with respect to recovery of Rs.21,34,494/- from the salary of the petitioner under Annexure-10 declaring



the same to be arbitrary and illegal and in gross violation of statutory rule.

And the Hon'ble Court further be pleased to direct the state Opp.Parties to extend all consequential service and financial benefits in favour of the petitioner within time stipulated by the Hon'ble Court consequent upon quashing of departmental proceeding dated 31.10.2014 under annexure-2, enquiry report dated 30.05.2024 under annexure-4 and order of punishment dated 17.04.2025 under annexure-9.

And further be pleased to issue pass any other order/orders as the Hon'ble Court deems fit and proper.”

4. Learned counsel for the Petitioner at the outset contended that being aggrieved by the final order passed in the Departmental Proceeding initiated on the basis of Memorandum No.255 dated 31.10.2014 which was finally disposed of by imposing punishment on Petitioner vide order dated 17.04.2025, the Petitioner has approached this Court by filing the present writ application.

5. Learned counsel for the State at the outset contended that the order dated 17.04.2025 is an appealable order under the OCS (CC&A) Rules, 1962.

6. In such view of the matter, this Court is of the view that since an alternative remedy in the shape of appeal is available to the Petitioner, this court is not inclined to exercise the extraordinary writ jurisdiction of this Court. Accordingly, while disposing of the present writ application the Petitioner is granted liberty to approach the Appellate Authority by filing a properly constituted appeal memo along with an application for



condonation of delay. In such eventuality, the Appellate Authority shall consider the condonation of delay application by taking a sympathetic view and the delay be condoned. Further, it is directed that the appeal preferred by the Petitioner be considered in accordance with law as expeditiously as possible. Let the appeal be filed within two weeks from today. It is further directed that till filing of such appeal memo or for a period of two weeks, no recovery shall be made pursuant to order dated 17.04.2025.

7. With the aforesaid observations/ directions, the writ application and I.A. stand disposed of.

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

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 25-Jul-2025 18:40:39

