



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27297 of 2023

Raj Kumar Chhotray

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Petitioner

Ms. S. Biswal, Advocate

-versus-

Union of India and Others

Opposite Parties

Mr. P.K. Parhi, DSGI along with

Mr. D. Harichandan, CGC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.08.2025

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed *inter alia* challenging the order of punishment passed by the Disciplinary Authority-O.P. No.3 vide order dated 20.09.2021 under Annexure-2, order dated 20.11.2021 so passed by the Appellate Authority-O.P. No.4 under Annexure-5 and order dated 11.11.2022 so passed by the Revisional Authority-O.P. No.5 under Annexure-7.

4. It is the main contention of the learned counsel for the petitioner that the Disciplinary Proceeding as well as Criminal Proceeding since were initiated on self-same



charges, this Court vide order dated 19.02.2020 in W.P.(C) No.4038 of 2020 under Annexure-3, passed an order staying the Disciplinary Proceeding till conclusion of the Criminal Proceeding in G.R. Case No.6 of 2020 so pending in the Court of learned JMFC (Rural), Rourkela.

4.1. It is contended that in the Criminal Proceeding so pending before the learned JMFC(R), Rourkela in G.R. Case No.6 of 2020, petitioner was acquitted vide judgment dated 12.01.2021 under Annexure-8. It is contended that since on self-same charges, petitioner faced both the proceedings and he has been acquitted in the Criminal proceeding vide judgment dated 12.01.2021 under Annexure-8 and the same was also produced before the Disciplinary Authority, but without following the case law governing the field, petitioner was imposed with the punishment of reduction of pay vide order dated 20.09.2021 under Annexure-2.

4.2. Even though petitioner moved the Appellate Authority as well as Revisional Authority, but both the authorities without proper appreciation of the petitioner's stand and the decisions governing the field, rejected the same vide order under Annexure-5 and 7.

4.3. It is contended that in view of the decision of the Hon'ble Apex Court in the case of ***Ram Lal Vrs. State of Rajasthan and Ors.*** (Civil Appeal No.7935 of 2023) so



followed in the case of **Maharana Pratap Singh Vs. The State of Bihar and Others** (Civil Appeal No.5497 of 2025), since petitioner faced both the proceedings on self-same charges, after being acquitted in the criminal proceeding, no order of punishment could have been passed against him in the Disciplinary Proceeding vide order under Annexure-2, so confirmed vide order under Annexure-5 and 7.

4.4. Hon'ble Apex Court in Para-13, 25 and 30 of the decision in the case of **Ramlal** has held as follows:-

"13. However, if the charges in the departmental enquiry and the criminal court are identical or similar, and if the evidence, witnesses and circumstances are one and the same, then the matter acquires a different dimension. If the court in judicial review concludes that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge, the Court in judicial review can grant redress in certain circumstances. The court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in the disciplinary proceedings to stand will be unjust, unfair and oppressive. Each case will turn on its own facts. [See [G.M. Tank vs. State of Gujarat & Others](#), (2006) 5 SCC 446, [State Bank of Hyderabad vs. P. Kata Rao](#), (2008) 15 SCC 657 and [S. Samuthiram](#) (supra)]

25. Expressions like "benefit of doubt" and "honorably acquitted", used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology.

30. In view of the above, we declare that the order of termination dated 31.03.2004; the order of the Appellate Authority dated 08.10.2004; the orders dated 29.03.2008 and



25.06.2008 refusing to reconsider and review the penalty respectively, are all illegal and untenable.”

4.5. Hon’ble Apex Court in Para-47 & 50 of the decision in the case of **Maharana Pratap Singh** has held as follows:-

“47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a position settled by the decision in [G. M. Tank](#) (supra), since reinforced by a decision of recent origin in [Ram Lal v. State of Rajasthan](#)³¹.

50. The judgment acquitting the appellant reveals that the prosecution "miserably failed to prove its case beyond reasonable doubt" as both the informant and PW-2 refused to identify the appellant in court. This discussion confirms that the appellant's acquittal was based not on mere technicalities. In [Ram Lal](#) (supra), this Court held that terms like "benefit of doubt" or "honourably acquitted" should not be treated as formalities. The Court's duty is to focus on the substance of the judgment, rather than the terminology used.”

4.6. It is accordingly contended that the impugned order of punishment passed under Annexure-2 so confirmed vide order under Annexure-5 and 7 are not sustainable in the eye of law and requires interference of this Court.

5. Mr. P.K. Parhi, learned DSGI along with Mr. D. Harichandan, learned CGC on the other hand contended that even though charges in both the proceeding are



same, but there is no bar on the part of the Disciplinary Authority to take a different view while considering the materials available in the proceeding.

5.1. It is also contended that nature of proof being different in Criminal Proceeding and Disciplinary Proceeding, no illegality can be found with the action of the Disciplinary Authority-O.P. No.3 in imposing the punishment vide order under Annexure-2. It is also contended that since the order passed by the Disciplinary Authority has been confirmed by the Appellate Authority as well as by the Revisional Authority vide order under Annexure-5 and 7, no illegality or irregularity can be found with all those orders. It is accordingly contended that no interference is called for.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that since the charges in both the proceeding were identical, this Court while disposing W.P.(C) No.4038 of 2020, vide order under Annexure-3 observe that Disciplinary Proceeding will remain stayed till disposal of the Criminal Proceeding.

6.1. As found from the record, petitioner has been acquitted in the Criminal Proceeding vide judgment dated 12.01.2021 in G.R. Case No.6 of 2020 under Annexure-8. But as found from the record, neither the Disciplinary Authority nor the Appellate Authority and Revisional



Authority have properly appreciated the factum of acquittal in the Criminal Proceeding, while imposing the punishment vide order under Annexure-2, so confirmed vide order under Annexure-5 and 7.

6.2. Placing reliance on the decision of the Hon'ble Apex Court in the case of **Ram Lal** and **Maharana Pratap Singh** as cited (supra), it is the view of this Court that on the face of such acquittal in the Criminal Proceeding, petitioner could not have been imposed with the punishment as has been imposed vide order under Annexure-2, confirmed vide order under Annexure-5 and 7. Therefore, this Court is inclined to quash orders issued under Annexures-2, 5 and 7. While quashing all those orders, this Court directs the Disciplinary Authority-O.P. No.3 to take a fresh decision in the proceeding, taking into account the decision in the case of **Ram Lal** and **Maharana Pratap Singh**. Such a fresh decision as directed be taken within a period of 3 (three) months from the date of receipt of this order. Petitioner is permitted to provide a copy of this order along with the citations in the case of **Ram Lal** and **Maharana Pratap Singh** before O.P. No.3 for compliance.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Designation: SR. STENO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Aug-2025 18:51:54

