



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35218 of 2025

Tapaswini Mahala

....

Petitioner

Mr. N.Panda Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. S.P.Das, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.06.2026

Order No.

- 09.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Vide order dated 17.04.2026, the petitioner when was directed to file an affidavit to indicate whether she has joined pursuant to the order at Annexure-5 in R.I. Office, Kalapathar, an affidavit has been filed by the petitioner with service of copy on the learned Additional Standing Counsel.
3. This Court after going through the affidavit nowhere finds any averment being made indicating therein that petitioner in terms of the order at Annexure-5, joined in R.I. Office, Kalapathar. However, from the instruction so provided by the learned Additional Standing Counsel, it is found that petitioner instead of joining in R.I. Office, Kalapathar in terms of the order issued under Annexure-5, remained on leave



with effect from 02.07.2015 till 15.04.2025, unauthorisedly.

3.1. From the instruction, it is also found that as the petitioner remained in unauthorized leave with effect from 02.07.2015 vide Memorandum dated 01.03.2017, a proceeding was initiated against her. However, the proceeding could not be served on the petitioner because of her continuous absence. Not only that on the face of the paper publication made in that regard, petitioner never participated in the proceeding. However, in the meantime, referring to the provisions contained under Rule 71(a) of the Orissa Service Code vis-à-vis G.A. Department guideline dated 24.09.2019, petitioner was given premature retirement, vide the impugned order dated 22.09.2025 under Annexure-2.

4. Heard Mr. N.Panda, learned counsel appearing for the Petitioner and Mr. S.P.Das, learned Additional Standing Counsel for the State.

5. Petitioner has filed the present Writ Petition inter alia with the following prayer :-

“That the petitioner therefore prays that this Hon’ble Court may graciously be pleased to admit this petition.

Issue notice to Opposite Parties by considering the facts and grounds stated above the order passed on dtd.22.09.2025 vide Annexure-2 may kindly be quashed.



Any other further order this Hon'ble Court may deem fit and proper may pass in favour of the petitioner..."

6. Learned counsel appearing for the petitioner contended that since the paraphernalia prescribed under Rule 71(a) read with G.A. Department Resolution dated 24.09.2019 were never followed, the order of premature retirement issued vide the impugned order dated 22.09.2025 under Annexure-2 needs interference of this Court. However, it is fairly contended that petitioner is ready and willing to participate in the proceeding so initiated against her vide Memorandum dated 01.03.2017 under Rule 15 of OCS (CCA) Rules, 1962 vide Annexure-7.

6.1. It is contended that since in terms of the guideline, Petitioner's case was never recommended to the Committee, nor the Committee recommended to give premature retirement to the Petitioner, no such order of premature retirement could have been issued, so issued vide the impugned order dated 22.09.2025 under Annexure-2.

6.2. It is also contended that while implementing the order passed by this Court in W.P.(C) No.15725 of 2025, so filed by the Petitioner seeking a direction on the Collector, Opp. Party No.2 to transfer her to the Office of Tahasildar, Sonapur, in the impugned proceeding dated 22.09.2025, Opp. Party No.2 passed the order to give premature retirement to the Petitioner.



6.3. It is contended that as per the guideline issued by the G.A. Department on 24.09.2019, the Committee cannot be constituted and headed by only Opp. Party No.2 and at no point of time, Petitioner's name was recommended to the Committee. Accordingly, it is contended that, the order of premature retirement having not been passed in terms of the guideline, the same is liable to be quashed.

7. Having heard learned counsel for the parties, considering the submissions made and the instruction provided by the learned State Counsel, since it is apparent on the face of the record that during pendency of the proceeding vide Memorandum dated 01.03.2017, Petitioner has been given premature retirement vide the impugned order dated 22.09.2025 under Annexure-2 without following the provisions contained under Rule 71(a) of the Code, vis-à-vis the Memorandum issued on 24.09.2019 of the G.A. Department, this Court is of the prima facie view that the order of premature retirement has not been issued in accordance with law. Therefore, this Court while quashing the order of premature retirement so issued vide the impugned order dated 22.09.2025 under Annexure-2, directs the petitioner to participate in the proceeding by filing her written statement of defence within four weeks hence.



7.1. On such filing of the written statement of defence, the Disciplinary Authority shall proceed with the proceeding so initiated vide Memorandum dated 01.03.2017 under Annexure-7 in accordance with law and decide the same as expeditiously as possible preferably within a period of six months from the date of filing of the written statement of defence. Petitioner is however directed to cooperate for disposal of the proceeding at every stage. It is further observed that till disposal of the proceeding, Petitioner will be allowed to remain on leave as before. This Court further permits the Opposite Parties to frame any additional charge, taking into account the fact that the proceeding is of the year 2017 and till date Petitioner as found is on leave with effect from 02.07.2015.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Manoj

Signature Not Verified

Digitally Signed
Signed by: MANOJ ROUT K
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 29-Jun-2026 12:45:43

