



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1851 of 2025

State of Odisha & others *Appellants*

Mr. U.C. Behura, AGA

-versus-

Tapan Kumar Pradhan *Respondent*

Mr. D.R. Bhokta, Advocate

CORAM:

JUSTICE KRISHNA S. DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

06.05.2026

Order No.

02. This Intra-Court Appeal by the State and its officials seeks to call in question a learned Single Judge's order dated 11.09.2025, whereby Respondent-Home Guard's W.P.(C) No.11565 of 2024 having been favoured, his removal from service is set at naught coupled with a direction to reengage him to the post in question as before, in a time bound way.

2. The operative portion of the order at Paragraph 7.4 reads as under:

“7.4. In view of the aforesaid analysis and considering the fact that the ban with regard to engagement of Home Guard has already been lifted and steps are now being taken to fill up the post of Home Guard in all the district of the State, this Court while quashing the impugned order dated 19.03.2024 under Annexure-2, directs O.P. No.3 to re-engage the petitioner as against the post of Home Guard with passing of



an appropriate order within a period of 4 (four) weeks from the date of receipt of this order.”

3. After service of notice, the Respondent-employee having entered appearance through his counsel, resists the Appeal making submission in justification of the impugned order and also opposing the application seeking condonation of delay of 41 days. He tells that the impugned order has been structured keeping in view the Apex Court decision in ***Ram Lal vs. State of Rajasthan***, (2024) 1 SCC 175 and therefore, in the absence of any Disciplinary Enquiry, once a charged employee after trial is acquitted, he would regain the innocence and that should benefit his client.

4. Having heard learned counsel for the Parties and having perused the Appeal papers, we decline indulgence in the matter, although we have allowed the application for condonation of delay, said delay being short and a plausible explanation having been offered.

4.1. Admittedly, the Respondent was tried for the offence punishable under Section 379 of erstwhile IPC coupled with section 34, along with some villagers and that all of them came to be acquitted vide order dated 07.11.2017 handed by the Criminal Court in G.R. Case No.9 of 2017/ Trial Case No.245 of 2017. Admittedly, on the basis of the allegations of theft, no Disciplinary Enquiry was held against the Respondent-employee herein. The only ground on which, he



was disengaged that he was charge-sheeted in the criminal case, which later resulted into an acquittal.

4.2. The above being the punch line of impugned judgment of the learned Single Judge and the same being consistent with a catena of decisions of the Apex Court up to **Ram Lal Supra** and also the Division Bench judgment of Karnataka High Court in **P.V. Rudrappa vs. State of Karnataka**, 2024 KHC 4013-DB, we do not find any justification for interference.

In the above circumstances, this Appeal being unworthy of merits is liable to be dismissed and accordingly it is, costs having been made easy. The Appellants are directed to give effect to the impugned order of the learned Single Judge within an outer limit of eight (08) weeks subject to the Respondent being found fit in the review/medical test.

Web copy of this order to be acted upon by all concerned.

(Krishna S. Dixit)
Judge

(Chittaranjan Dash)
Judge

Bijay/Sarbani

