



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41382 of 2023

Ratnakar Sethy

....

Petitioner

Mr. J. Mohanty, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. A. Tripathy, AGA

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.03.2026

Order No.

- 06.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel appearing for the Parties.
- 3.** The present Writ Petition has been filed *inter alia* with the following prayer:-

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon'ble Court may graciously be pleased to:

(i) quash the impugned Orders, dated 04.11.2022, dated 22.08.2023 and dated 01.12.2023 under Annexures-4, 5 and 6 respectively by concurrently holding the same is bad, illegal and not sustainable in the eye of law;

(ii) pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice;



And for which act of kindness, the Petitioner as in duty bound, shall ever pray.”

4. Learned counsel appearing for the Petitioner contended that the impugned proceeding was initiated vide Memorandum dtd.04.11.2022 under Annexure-4 under Rule-7 of the OCS (Pension) Rules, 1992 (in short ‘Rules’). The proceeding was initiated under Rule-7 of the Rules by taking the Petitioner as a retired employee as Petitioner by then had been given premature retirement vide order dtd.15.03.2022 under Annexure-1.

4.1. Learned counsel appearing for the Petitioner contended that such order of premature retirement given to the Petitioner and so issued vide office order dtd.15.03.2022 under Annexure-1, was subject matter of challenge before this Court in W.P.(C) No.12438 of 2022.

4.2. It is contended that the Writ Petition in W.P.(C) No.12438 of 2022 was allowed with quashing of the order dtd.15.03.2022 vide order dtd.25.11.2025.

4.3. It is contended that since the order of premature retirement was quashed by this Court vide order dtd. 25.11.2025 in W.P.(C) No.12438 of 2022, the proceeding initiated under Rule-7 of the Rules by taking the Petitioner as a retired employee is no more sustainable.



4.4. It is accordingly contended that initiation of the impugned proceeding vide Memorandum dtd.04.11.2022 under Rule-7 of the Rules and consequential action taken in appointing the enquiry office vide office order dtd.22.08.2023 under Annexure-5 and notice by the enquiry officer to participate in the enquiry vide notice on 01.12.2023 under Annexure-6 are no more sustainable in the eye of law.

4.5. It is further contended that because of the interim order passed, no progress has been made to the proceeding so initiated on 04.11.2022 under Annexure-4.

5. Mr. A. Tripathy, learned Addl. Government Advocate for the State basing on the instruction contended that, since the order passed by this Court on 25.11.2025 in W.P.(C) No.12438 of 2022 is under challenge in a Writ Appeal vide Diary No.11988 of 2026, it cannot be held that Petitioner is not a retired employee.

5.1. It is accordingly contended that the proceeding is very much maintainable under Rule-7 of the Rules.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner after being given premature retirement vide office order dtd.15.03.2022 under Annexure-1 and by treating him to a retired employee,



the impugned proceeding in question was initiated vide Memorandum dtd.04.11.2022 under Annexure-4. The impugned proceeding was initiated under Rule-7 of the Rules. In the said proceeding, Petitioner when was issued with the notice to participate in the enquiry after appointment of the enquiry officer vide office order dtd.22.08.2023 and notice dtd.01.12.2023, Petitioner challenging the same filed the present Writ Petition. This Court while issuing notice of the matter passed an interim order on dtd.20.12.2023, keeping in abeyance the proceeding in question.

6.1. It is also found from the record that order of premature retirement dtd.15.03.2022 which was the subject matter of challenge before this Court in W.P.(C) No.12438 of 2022 was quashed vide order dtd.25.11.2025. Since the order of premature retirement has already been quashed by this Court vide order dtd.25.11.2025, and Petitioner's date of retirement falls on 30.09.2029, it cannot be held that Petitioner is a retired employee anymore and accordingly the proceeding under Rule-7 is no more maintainable. Mere pendency of a Writ Appeal against order dtd.25.11.2025, cannot be held that Petitioner is a retired employee.

6.2. In view of the aforesaid analysis, this Court is of the view that the impugned proceeding dtd.04.11.2022 under Annexure-4 so initiated under Rule-7 of the



Rules is no more sustainable in the eye of law. This Court accordingly is inclined to quash the proceeding initiated against the Petitioner vide Memorandum dtd.04.11.2022 under Annexure-4 and consequential action taken under Annexures-5 & 6. While quashing the proceeding, this Court disposes of the Writ Petition with an observation that such a proceeding can be initiated under the provisions of OCS (CCA) Rules 1962 and by treating the Petitioner as an employee under the Department.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat