



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35254 of 2025

In the matter of an application under Articles 226 and 227
of the Constitution of India.

.....

Bhabagrahi Das

....

Petitioner

-versus-

State of Odisha and Others

....

Opposite Parties

For Petitioner : Mr. S.N. Das, Advocate

For Opp. Parties : Mr. S.P. Das, ASC

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing:14.05.2026 and Date of Judgment:14.05.2026

Biraja Prasanna Satapathy, J.

1. Heard Mr. S.N. Das, learned counsel for the petitioner and Mr. S.P. Das, learned Addl. Standing Counsel for the State.

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



“That in view of the facts and grounds taken in the writ petition, this Hon’ble Court may pass appropriate writ(s)/direction(s) against the Opposite Parties in terminating the departmental proceeding initiated against the Petitioner vide P.R. Department Proceeding No.6006 corresponding to C.D.I. Case No.12/98 pending in the file of Panchayati Raj Department, Opposite Party No.1 and quash the impugned demand letter dated 25.09.2025 issued by the Additional District Magistrate, Kendrapara under Annexure-5, declaring the said action illegal, arbitrary and violative of Article 21 of Constitution of India;

And may further be pleased to direct the Opposite Parties to grant all such consequential service benefits accrued in favour of the Petitioner prior to his retirement of service and all such retiral benefits including but not limited to gratuity, unutilized leave etc. with penalty of payment of interest at the current market rate till actual payment, in the interest of justice..”

3. Considering the relief claimed and the fact that proceeding initiated in the year 1998, has not yet been completed, this Court passed the following orders on 17.12.2025, 04.02.2026, 16.03.2026, 24.03.2026 and 22.04.2026:-

“17.12.2025

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

2. Heard.

3. Let an extra copy of the Writ Petition be served on the learned Addl. Standing Counsel who is directed to obtain instruction on the issue.

4. As requested, list this matter in the week commencing 19.01.2026.



(Biraja Prasanna SataPathy)
Judge

02. I.A. No.21966 of 2025

1. Heard.

2. In the interim, it is directed that there shall be no recovery basing on the impugned communication dt.25.09.2025 so issued under Annexure-5 by Opp. Party No.3.

(Biraja Prasanna Satapathy)
Judge

04.02.2026

03. 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the parties.
3. As requested by the learned Addl. Standing Counsel, list this matter in the week commencing 9th March,2026.
4. Interim order passed earlier shall continue till the next date.

(Biraja Prasanna Satapathy)
Judge

16.03.2026

04. 01. This matter is taken up through hybrid mode.
2. As requested, list this matter on 23rd March,2026.
3. Learned Addl. Standing Counsel is directed to obtain instruction with regard to the status of the proceeding so initiated in the year 1998, even though as found from the instruction after receipt of the enquiry report, 1st show-cause was issued vide notice dtd.26.02.2002.
4. Interim order passed earlier shall continue till the next date.

(Biraja Prasanna Satapathy)
Judge

24.03.2026

05. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. Pursuant to order dtd.16.03.2026, learned Addl. Standing Counsel produced copy of letter d1d.20.03.2026 so issued by the Collector & District Magistrate, Kendrapara in Court. The same be kept in record.



4. Basing on the instruction, it is contended that the office of Opp. Party No. 2 has no positive instruction with regard to status of the proceeding so initiated against the Petitioner way back in the year 1998. However, it is contended that necessary instruction will be obtained before the next date with regard to status of the said proceeding.

5. In addition to the same, learned Addl. Standing Counsel contended that Petitioner though was made as an accused in G.R. case No. 776 of 1996 in the court of learned SDJM, Kendrapara, but he has no instruction with regard to status of the said proceeding.

6. To the submission made by the learned Addl. Standing Counsel with regard to involvement of the Petitioner in the criminal case, learned counsel for the Petitioner contended that vide order dtd.17.03.1999 under Annexure-4, the I.O. submitted the final report observing therein that there is no sufficient evidence against the present Petitioner and other accused persons.

7. It is further contended that vide the said order learned court below though directed the CBI for further investigation, but no such investigation has been carried out.

8. Considering the submission made, learned Addl. Standing Counsel is also directed to obtain instruction as to whether pursuant to order dtd.17.03.1999, any investigation was carried out by the CBI and the result thereof.

9. As requested by the learned Addl. Standing Counsel, list this matter in the week commencing 13th April, 2026.

10. Interim order passed earlier shall continue till the next date.

Free copy of the order be provided to Mr. S.P. Das, learned Addl. Standing Counsel for compliance.

(Biraja Prasanna Satapathy)
Judge

22.04.2026

06. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Parties.
3. As requested, list this matter in the week commencing 11.05.2026.
4 Interim order passed earlier shall continue till the next date.”



(Biraja Prasanna Satapathy)
Judge

4. On the face of the orders passed by this Court on 17.12.2025, 04.02.2026, 16.03.2026, 24.03.2026 and 22.04.2026, no instruction has yet been provided by the Department. However, Mr. Das, learned Additional Standing Counsel contended that since criminal record is not yet traceable, the Authorities are not in a position to provide the instruction.

5. It is contended that while petitioner in service, the proceeding in question was initiated in C.D.I. Case No.12 of 1998 under Annexure-1 because of the implication of the petitioner in G.R. Case No.176 of 1996 in the file of learned S.D.J.M., Kendrapara. Petitioner submitted the reply to the charges on 22.05.2001 under Annexure-2 and the Disciplinary Authority appointed by the Enquiring Officer, who submitted the enquiry report on 12.12.2001 under Annexure-3.



5.1. It is also contended that in the criminal proceeding, though learned S.D.J.M., Kendrapara vide order dated 17.03.1999 under Annexure-4, in G.R. Case No.776 of 1996 directed for further investigation by the C.B.I., but no such initiation was taken to cause enquiry through C.B.I. as yet.

5.2. It is further contended that because of pendency of the proceeding, the petitioner though has retired since 31.08.1995, but he is yet to get his retiral benefits save and except provisional pension.

5.3. It is also contended that the petitioner is now aged about 90 years and because of pendency of the proceeding so initiated in the year 1998 with submission of the enquiry report on 12.12.2001, the petitioner is not getting his retiral benefits. It is further contended that since petitioner has no latches with regard to the pendency of the disciplinary proceeding, in view of the decisions of the Hon'ble apex Court in ***P.V. Mahadevan Vrs. M.D. Tamil Nadu Housing Board, Prem Nath Bali***



Vrs. Registrar, High Court of Delhi & another (Civil Appeal No.958 of 2010), **State of Andhra Pradesh Vrs. N. Radhakishan reported in AIR 1998 SC 1833** and the decisions of this Court in **Sri Surath Chanda Mallick Vrs. State of Odisha & another** (Paragraph-11), **Pramod Kumar Sahu Vrs. State of Odisha & others** (W.P.C.(OAS) No.68 of 2017, the proceeding is required to be quashed.

5.4. Hon'ble Apex Court in the case of **P.V. Mahadevan** in para-19 has held as follows:-

“19. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations.”

5.5. Reliance was also placed to another decision of the Hon'ble Apex Court in the case of **Prem Nath Bali** (Civil Appeal No.958 of 2010). Hon'ble Apex Court in Para-33 has held as follows:-



“33. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

5.6. Reliance was placed to a decision of this Court in the case of Sri **Surath Chandra Mallick**. This Court in Para-11 has held as follows:-

“11. Mr. Sameer Kumar Das, learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in State of Madhya Pradesh vs. Bani Singh and another, reported in AIR 1990 SC 1308 wherein, it has been held by the Hon'ble Supreme Court that the long pending departmental proceeding is liable to be quashed because of the unexplained delay and laches on the part of the department to conclude the same. Learned counsel for the petitioner also relied upon the judgment of the Hon'ble Supreme Court in M. Bijlani vs. Union of India reported in 2006 (5) SCC 88 to buttress his argument regarding termination of long pending departmental proceeding.”

5.7. Reliance was placed to a decision of the Hon'ble Apex Court in the case of **State of Andhra Pradesh Vrs. N. Radhakishan**, reported in **AIR 1998 SC 1833**, so followed by this Court in its order dtd.16.01.2023 in W.P.C(OAS) No.68 of 2017 (**Pramod Kumar Sahu Vs. State of Odisha and**



Others) and W.P.C(OAC) No.3712 of 2016 disposed of on 6.09.2022 (**Gangadhar Routray Vs. State of Odisha and Others**).

5.8. Hon'ble Court in the case of **N. Radhakishan** in Para-19 & 20 has held as follows:-

“19. It is not possible to lay down any pre-determined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. The essence of the matter is that the court has to take into consideration all relevant factors and to balance and weight them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether delay has vitiated the disciplinary proceedings the Court has to consider the nature of charge, its complexity and on what account the delay has occurred. if the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to or when there is proper explanation for the delay in conducting the



disciplinary proceedings. Ultimately, the court is to balance these two diverse consideration.”

20. In the present case we find that without any reference to records merely on the report of the Director General, Anti-Corruption Bureau, charges were framed against the respondent and ten others, all in verbatim and without particularizing the role played by each of the officers charged. There were four charges against the respondent. With three of them he was not concerned. He offered explanation regarding the fourth charge but the disciplinary authority did not examine the same nor did it choose to appoint any inquiry officer even assuming that action was validly being initiated under 1991 Rules. There is no explanation whatsoever for delay in concluding the inquiry proceedings all these years. The case depended on records of the Department only and Director General, Anti Corruption bureau had pointed out that no witnesses had been examined before he gave his report. The Inquiry Officers, who had been appointed on after the other, had just to examine the records to see if the alleged deviations and constructions were illegal and unauthorised and then as to who was responsible for condoning or approving the same against the bye-laws. It is nobody's case that respondent at any stage tried to obstruct or delay the inquiry proceedings. The Tribunal rightly did not accept the explanations of the state as to why delay occurred. In fact there was hardly any explanation worth consideration. In the circumstances the Tribunal was justified in quashing the charge memo dated July 31, 1995 and directing the state to promote the respondent as per recommendation of the DPC ignoring memos dated October 27, 1995 and June 1, 1996. The Tribunal rightly did not quash these two later memos”.

5.9. This Court in the case of **Gangadhar Routray** has held as follows in Para-23 to 26:-

“23. Perused the materials available on record. This Court after going through the same finds that even though the notice of the writ petition was issued on 21.10.2016, but no counter affidavit has been filed by the State disputing the stand taken by the Petitioner with regard to his prayer for quashing of the proceeding on the ground of inordinate delay in



concluding the same. This Court finds that for the alleged irregularity which took place during the year 1989-90, the proceeding was initiated after 11 years i.e. on 19.09.2001 under Annexure-1. In the said proceeding, though the Petitioner moved an application on 12.10.2001 under Annexure-2 with a prayer to provide the documents, but the said documents were never provided and the Opposite Party No.1 proceeded with the enquiry by appointing enquiry officer vide order dated 31.12.2001 under Annexure-3. This Court further finds that in spite of such appointment of the enquiry officer no progress was made to the proceeding and the Petitioner in the meantime also retired from his service w.e.f. 31.05.2002. Even though vide order dated 22.05.2004 the enquiry was handed over to the Commissioner for Departmental Enquiries and the Petitioner was summoned vide letter dated 04.11.2004 under Annexure-8, but the proceeding once again was kept pending till issuance of the 1st show cause on 12.12.2014 under Annexure-10. Even though the Petitioner submitted his reply to the said 1st show cause on 29.12.2014, but once again the matter was kept pending till issuance of the impugned 2nd show cause on 03.10.2016 under Annexure-12.

24. Therefore, from the aforesaid conduct, this Court is of the view that the Opposite Parties have caused inordinate delay in concluding the proceeding initiated against the Petitioner, even though the Petitioner is a retired employee since 31.05.2002. This Court is also of the view that even though the proceeding was initiated under Rule 15 of the OCS (CC&A) Rules, 1962, but the Petitioner was never provided with the document nor the concerned mutation record, which is subject matter of the charge, was allowed to be verified by the Petitioner on the ground that the said record is not traceable.

25. Therefore, this Court is of the view that not only there is inordinate delay in concluding the proceeding allowed to continue against a retired employee, but also the Opposite Parties more particularly Opposite Party No.1 has not



followed the provisions contained under Rule 15 of OCS (CC&A) Rules, 1962. The Petitioner because of the pendency of the proceeding save and except sanction of provisional pension has been deprived from getting all retirement benefits save and except release of the 75% of the leave salary.

26. Therefore, in view of the decision relied by Mr. Mohanty and the materials available on record, this Court is of the prima-facie view that the Opposite Parties have failed to conclude the proceeding within a reasonable time. Therefore, this Court has got no hesitation in quashing the proceeding initiated against the Petitioner under Annexure 1. While quashing the same, this Court directs the Opposite Parties to sanction and disburse all retirement benefits as due and admissible in favour of the Petitioner within a period of three months from the date of receipt of this order.”

5.10. Similarly, this Court in the case of **Pramod Kumar Sahu** has held as follows in Para-11:-

“11. Having heard learned counsel for the Parties and taking into account the submissions made by Mr. Panda as well as the grounds taken in the writ petition, this Court relying on the decision of the Hon’ble Apex Court as cited supra as well as the decision of this Court rendered in W.P.C.(OAC) No. 3712 of 2016, is inclined to quash the proceeding initiated against the Petitioner on 30.12.2006 vide Annexure-2. While quashing the same, this Court directs the O.P. No. 1 to regularize the services of the Petitioner for the period from 18.03.2006 to 02.02.2009 as due and admissible within a period of one month from the date of receipt of this order. On such regularization of the service as directed, the Authority shall process the pension papers of the Petitioner and see that the retiral benefits of the Petitioner is disbursed in his favour within a further period of three (3) months.”

5.11. It is further contended that following the aforesaid decisions of the Hon’ble apex Court, this



Court in its judgment dated 10.11.2025 in W.P.(C) No.26014 of 2025 also quashed the disciplinary proceeding initiated in the year 2002. This Court in Paragraphs-6.2 & 6.3 of the said judgment has made as follows :-

“6.2. But it is found that on the face of such appointment of the Enquiry Officer vide order dated 15.05.2024 , the proceeding is yet to commence. Since the proceeding is of the year 2002 and the enquiry has not yet commenced, it is the view of this Court that there is inordinate delay in disposing the proceeding and petitioner has got no role on the same. Because of the pendency of the proceeding for the last 23 years, petitioner has been put to unnecessary harassment.

6.3. Placing reliance on the decisions as cited (supra) and since it is found that no fault lies with the petitioner for such long pendency of the proceeding, this Court is inclined to quash the proceeding initiated against the petitioner so initiated vide Memorandum dated 31.10.2002 under Annexure-1. While quashing the proceeding, this Court allows the Writ Petition.”

5.12. Making all the submissions, learned counsel appearing for the petitioner contended that the proceeding in C.D.I. Case No.12 of 1998 be quashed and Opposite Party No.2 be directed to release all the retiral benefits as due and admissible in favour of the petitioner.

6. Learned Additional Standing Counsel on the other hand contended that taking into account the



nature of charges framed against the petitioner in the proceeding under Annexure-1, and since the petitioner is involved with misappropriation of Government money to the tune of Rs.13,92,266.34 so reflected in Annexure-5, the proceeding be allowed to continue and it will be completed within a reasonable time.

7. Having heard the submissions made, this Court finds that the petitioner while in service, the proceeding in question was initiated in C.D.I. Case No.12 of 1998 under Annexure-1. The petitioner though filed his reply on 22.05.2001 under Annexure-2 and enquiry report was submitted on 12.12.2001 under Annexure-3, but the fact, which is not disputed, the proceeding is yet to be disposed of on the face of retirement of the petitioner on 31.08.1995. It is also found that in the criminal proceeding vide order dated 17.03.1999, learned S.D.J.M., Kendrapara in G.R. Case No.776 of 1996 though directed the C.B.I. to cause further



investigation but no such investigation has yet been undertaken.

8. In view of the aforesaid fact and since no fault lies with the petitioner with regard to pendency of the proceeding, this Court placing reliance on the decisions as cited (supra) is inclined to quash the proceeding so initiated against the petitioner in C.D.I. Case No.12 of 1998 under Annexure-1. While quashing the said proceeding, this Court directs Opposite Party No.2 to release all the retiral benefits as due and admissible in favour of the petitioner within three months from the date of receipt of this order. If all the benefits are not released within the aforesaid period of three months, then petitioner will be entitled to get interest @ 6% all through on all such retiral benefits.

Consequentially, the impugned demand notice dated 25.09.2025 under Annexure-5 also stands quashed.



9. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 14th May, 2026/Manoj