

05. 27.11.2020                      This matter is taken up through video conferencing.

02.    Heard learned counsel for the appellant and learned Addl. Government Advocate.

03.    This Writ Appeal has been filed by the appellant challenging the order dated 15.10.2020 passed in W.P.(C) No.24419 of 2020 whereby the learned Single Judge has taken into consideration the submission made by the learned counsel for the State regarding the complaint and its impact as allegations are serious in nature and not inclined to interfere with the matter. However, the Court has observed that in the event any protest petition is filed against the allegation made, the same may be taken into consideration by the authority while considering the complaint made against the appellant.

04.    Learned counsel for the appellant submitted that the self same complaint was referred to the Local Complaint Committee. The appellant has appeared before the said Committee on 09.09.2020 and has produced relevant documents regarding his official work on the particular date at a distant place to discharge his official duties for identification and demarcation of leased out land of landless persons in presence of Tahasildar, Addl. Tahasildar, Sarpanch of Mahimunda Grama Panchayat, Revenue Inspector, Atgaon and villagers of Dahimal Village. Since the complainant made false allegations against the appellant reiterating all those things, the appellant has made a representation to the Principal Secretary, General Administration and Public Grievance Department, Government of Odisha – opposite party No.2. However, without considering his

representation on the false allegation, the appellant was suspended vide order dated 04.09.2020 for which he has approached this Court in the aforesaid Writ Petition. The learned Single Judge without applying his judicial mind has passed the impugned order, which need be interfered with. In support of his submission he has relied on the decision reported in 1993 (2) LLJ 66.

05. On 18.11.2020 learned Addl. Government Advocate has taken time to obtain instruction in the matter. Today he has submitted that the appellant has been reinstated in service w.e.f. 24.11.2020 since in the enquiry he was not found guilty.

06. In view of the above, we set aside the impugned order. The Writ Appeal is accordingly disposed of.

07. The parties may utilize the soft copy of this order available in the High Court's website or print thereof at par with the certified copy in the manner prescribed, vide Court's notice No.4587, dated 25.03.2020.

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S.Panda, J.

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S.K.Panigrahi, J.

