

W.P.(C) No.1732 of 2009
27.04.2017

Heard Mr. U. Sahoo, learned counsel for the petitioner and Mr. S.K. Pattnaik, learned Senior Counsel appearing for the opposite party-Corporation.

The petitioner has filed this writ petition to quash the order of punishment passed by the disciplinary authority on 25.06.2008 under Annexure-6 directing to recover Rs.31,968/- from his salary towards financial loss to the Corporation and the order of confirmation dated 11.12.2008 made by the appellate authority under Annexure-10.

Mr. U. Sahoo, learned counsel for the petitioner states that the order of punishment cannot sustain in the eye of law as the loss caused to the Corporation for marketing of inferior quality bamboo has not been calculated properly.

Mr. S.K. Pattnaik, learned Senior Counsel appearing for the opposite party-Corporation vehemently contended that the order of punishment having been passed with due compliance of the provisions of law, the claim made by the petitioner at this stage that the determination of liability is not justified. Therefore, this Court should not interfere with the order impugned.

Considering the contentions raised by the learned counsel for the parties and after going through the records, it appears that the petitioner is a low paid employee of the Corporation. While working as field Assistant and posted at Nagatota Bamboo Coupe No.-D during 1999-2000 he had transported 3556 numbers of Long Daba Bamboo (LDB) to Gundadwar Depot, i.e. approximately 15 truck-loads during the entire lease period of the said coupe out of which 1440 pieces of LDB was rejected at Depot due to inferior quality having short length, small girth, bend in nature and it was produced due to lack of supervision and improper guidance to labourers. There was no market demand for it and no offer was received in any tender/auction sale. Thereby, the petitioner was charged with gross negligence for causing financial loss to the Corporation to the tune of Rs.33,408/- on breach of trust and poor supervision of field work. He has been called upon to show-cause and on consideration of the show-cause, the disciplinary authority imposed punishment for recovery of the amount of Rs.31,968/- which is also confirmed by the appellate authority.

The only consideration raised that a low paid employee after lapse of 20 years if the direction was given to recovery of the amount it will cause great prejudice and in the meantime he has been retired from service on attaining the age of superannuation. In the interest of justice and equity, this Court reduces the amount of recovery for Rs.31,968/- imposed by the disciplinary authority and confirmation thereof by the appellate authority.

In that view of the matter, the order dated 25.06.2008 passed by the disciplinary authority is modified to the extent that the petitioner shall pay Rs.15,000/- within a period of three months from today as against direction given by the disciplinary authority for an amount of

Rs.31,968/- which has been made confirmed by the appellant authority towards full and final settlement and close the proceeding for all times to come. Needless to say that if any amount is already recovered, the same shall be adjusted to the said amount itself.

With above observation and direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

Dr. B.R. Sarangi, J.