

Orissa High Court

Ramakanta Mohanty vs Divisional Forest Officer And ... on 28 July, 1969

Equivalent citations: AIR 1970 Ori 49

Author: G Misra

Bench: G Misra, R Misra

JUDGMENT G.K. Misra, C.J.

1. The petitioner was dismissed from service on 30-12-67. The Divisional Forest Officer, however, gave retrospective operation to the order of dismissal by saying that the services of Sri Ramakanta Mohanty Forest Guard are dispensed with, with effect from the date of his absconding from head quarters, i.e. from 23-5-66. The only contention urged by Mr. R. N. Das is that the order of dismissal cannot be given retrospective operation. This is concluded by the decision in AIR 1966 SC 951, Jeeva Ratnam v. State of Madras. It was stated therein that the order of dismissal would be valid from the date when it was passed and the retrospective part can be separated from the order of dismissal. Following the aforesaid decision, we hold that the dismissal order would take effect from 30-12-67.

2. The writ application is accordingly allowed. A writ of mandamus would issue to the opposite parties, directing them to treat the petitioner as continuing in service till 30-12-67 on which date his services were terminated by the order of dismissal.

3. The application is allowed with costs. Hearing fee Rs. 50/- (Rupees fifty only).

R.N. Misra, J.

4. I agree.