

Orissa High Court

Union Of India (Uoi) And Ors. And ... vs Dushasan Naik And Union Of India ... on 27 February, 2003

Equivalent citations: 95 (2003) CLT 787, 2003 I OLR 454

Author: B Panigrahi

Bench: B Panigrahi, B Das

JUDGMENT B. Panigrahi, J.

1. Since both these writ petitions arise from a common judgment passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack, they are heard together and disposed of by a common order.

2. The writ petitioner Dushasan Naik in OJC No. 13569 of 2000 was working as Sub- Post Master in Mukhiguda Post Office within Kalahandi Division. It was noticed in the Acquittance Roll that an amount of Rs. 1991.10 paise was drawn to be paid in favour of Santosh Kumar Satpathy, E.D.D.A., Ghutrukhal Branch Post Office towards his allowance. But, since the amount was not paid to Santosh Kumar Satpathy an allegation was brought to the notice of the authorities that some one by committing forgery has taken the amount. Therefore, an enquiry was made, where it was originally found that Bhaja Gobinda Satpathy might have taken the money by putting signature of his brother Santosh Satpathy. But subsequently, on further enquiry it was noticed that the writ petitioner has allowed one Subash Ch. Acharya to sign for Santosh Kumar Satpathy and receive the amount of Rs. 1991.10.

3. The charges have been framed against the present delinquents Dushasan Naik and Bhaja Gobinda Satpathy. In so far as Bhaja Gobinda Satpathy was concerned, the Enquiring Officer found him guilty and on the basis of such enquiry report, the Disciplinary authority passed an order of dismissal from service. Therefore, Bhaja Gobinda preferred an appeal and the appellate authority reduced the finding of dismissal into an order of compulsory retirement from service. He thereafter filed an Original Application before the Central Administrative Tribunal, in which the order of compulsory retirement was set aside. Thereafter, the Department filed a Special Leave Petition before the Hon'ble Supreme Court in which the order of the Tribunal was maintained.

4. In the enquiry by the authority the present petitioner was found guilty as there was ample evidence to establish that the delinquent unauthorisedly allowed his E.D.D.A. Sarat Kumar Acharya on 28.1.1984 to come to Ghutrukhal and facilitated him to forge the signature of the payee Sri Santosh Kumar Satpathy in the Acquittance Roll No. 625 (renumbered as 381) for Rs. 184.25 drawn towards the allowance of Santosh Kumar Satpathy.

5. The article of charge was considered by the Enquiring Officer in terms of the evidence placed before him and also admission made by the delinquent. It was further established that Sarat Kumar Acharya has committed forgery of the signature of Santosh Kumar Satpathy. The admission made by the delinquent was also considered by the Enquiring Officer along with his explanation that he made such admission on account of being afraid of his superior authority. We are at a loss to understand such explanation that the delinquent officer was pressurised to make such an admission before the

superior authority in course of enquiry of the charges, Therefore, on the basis of such admission the Enquiring Officer has found the delinquent guilty of some of the charges framed against him. Although in the Departmental, Proceeding the delinquent was visited with the punishment of dismissal from the service and maintained by the appellate authority, yet the Tribunal reduced it to a lesser penalty in imposing compulsory retirement. Since the punishment inflicted by the Department against the delinquent was harsh and shockingly disproportionate to the charges, therefore, the Tribunal has rightly reduced to a lesser penalty by modifying it as compulsory retirement.

6. There is no substance to interfere with the writ petition filed by Dushasan Naik. Similarly, we also do not find any justification to interfere with the order passed by the learned Tribunal in the writ application filed by the Department.

7. In the result, both the writ petitions are dismissed and the order of the Tribunal is affirmed. The Department is directed to release all the service benefits accrued to the delinquent Dushasan Naik within four months from the date of communication of the order.

B.P. Das, J.

8. I agree.