



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.746 of 2005

Sarat Chandra Parida

.....

Petitioner

Mr. K.K. Swain, Adv.

-versus-

OFDC Ltd.&Ors.

.....

Opp. Parties

Mr. P. Jena, Adv.

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.06.2026

Order No.14

1. This matter is taken up through hybrid mode.
2. On the oral prayer made by the learned counsel appearing for the Petitioner, he is permitted to implead the Managing Director Corporation as Opp. Party No.4 in Court.
3. Heard Mr. K.K. Swain, learned counsel appearing for the Petitioner and Mr. P. Jena, learned counsel for the Corporation.
4. The present Writ Petition has been filed inter alia with the following prayer:-

“In view of the facts stated above it is prayed that the Hon'ble Court be graciously pleased to admit this writ application and after hearing the parties and perusing the records may kindly quash the order of punishment vide Annexure-10;

And may kindly direct the Opp. Party No.1 to release all the service benefits of the petitioner including annual increments which has not yet been paid since 1.4.94 Advancement scale of pay,



Revised scale of pay and consequent service benefits and;

May kindly award cost and compensation for the deliberate and wilful harassment;

And may kindly pass any other order and orders which lordship deem fit and proper for the benefit of the petitioner;

And for this act of kindness the petitioner shall as in duty bound ever pray."

4. It is contended that even though the proceeding in question was initiated vide office order dated 03.09.1994 under Annexure-2 by the Disciplinary Authority who happens to be the Managing Director, but the same was disposed of with passing of the order of punishment by the Chairman-cum-Managing Director, who happens to be the Appellate Authority as per the service regulation i.e. OFDC Service Rule, 1986.

4.1. It is accordingly contended that since the proceeding was initiated by the Managing Director, who happens to be the disciplinary authority under Annexure-2, the same could not have been disposed of, with passing of the order of punishment by the Chairman-cum-Managing Director- Opp. Party No.1, who is the Appellate Authority.

4.2. It is further contended that even though seeking review of the order of punishment Petitioner moved an application under Annexure-11 before Opp. Party No.1, but the same was also rejected by the Director (Operation), vide order dated 07.05.2003 under Annexure-12. Making all these submission, it is contended that since the proceeding was not disposed of



by the authority, who initiated the proceeding being the disciplinary authority, the order of punishment passed under Annexure-10 and so also the non-speaking order passed under Annexure-12 are not sustainable in the eye of law and requires interference of this Court.

5. Mr. P. Jena, learned counsel appearing for the Corporation, on the other hand basing on the stand taken in the counter affidavit though supported the impugned order and made his submission, but failed has to satisfy this Court as to how the proceeding initiated by the Managing Director-Opp. Party No.4, under Annexure-2 could be disposed of by the Chairman-Managing Director, who as per the service rule governing the service condition happens to be the Appellate Authority.

6. Having heard learned counsel for the Parties and considering the submission made and the admitted fact that the proceeding has been disposed of by the Appellate Authority, even though the same was initiated by the Disciplinary Authority/Managing Director of the Corporation- Opp. Party No.4 and the order at Annexure-12 has been passed by an authority, who is neither is the disciplinary authority nor the Appellate Authority, this Court because of such admitted illegalities apparent on the face of both the orders, is inclined to quash order dated 28.11.2001, so issued under Annexure-10 and so also order dated 07.05.2003 under Annexure-12. While quashing both the orders, this Court remits the matter to the disciplinary authority i.e. the Managing Director of the Corporation, with a direction to proceed with the matter and



pass appropriate order, taking into account the reply made by the Petitioner to the second show cause so available under Annexure-9.

6.1. Since the Petitioner has already retired w.e.f. 30.09.2018, this Court directs the disciplinary authority/Managing Director of the Corporation-Opp. Party No.4 to dispose of the proceeding as expeditiously as possible preferably within a period of six (6) weeks from the date of receipt of this order.

7. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

Signature Not Verified

Digitally Signed
Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 29-Jun-2026 16:37:09

