

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 210 of 2022

Roshan Kumar Patel

....

Petitioner

Mr. Saroj Kumar Dash, Advocate

-versus-

District

Judge-cum-Disciplinary

....

Opposite Parties

Authority, Jharsuguda and Others

Mr. P.K. Muduli, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAIK

ORDER

08.02.2022

Order No.

01.

1. The Petitioner who was working as Grade-D employee in the office of the District Judge, Jharsuguda has assailed the order dated 18th November, 2021 passed by the Disciplinary Authority i.e. the District Judge, Jharsuguda dismissing the Petitioner's objections to the enquiry report and rejecting his plea that his absence in duty was pursuant to the casual leave duly sanctioned to him.

2. It appears from the record that the Petitioner was a chronic absentee and remained on unauthorized absence between 3rd and 7th March 2019, 21st March to 3rd April 2019, 7th April 2019 to 15th April 2019, 16th April to 25th April, 2019. The District Judge found that there was no material placed on record by the Petitioner to enable him to come to a different conclusion.

3. The only defence of the Petitioner that he was not supplied with the documents during enquiry and he was not given adequate opportunity and his plea on merits was not discussed. It has been

noted in para 12 of the order of the learned District Judge, Jharsuguda, as under:

“12. This is the third Departmental Proceeding against the delinquent. As regards to quantum of punishment, the Enquiring Officer has suggested for reduction to a lower service, grade or post or to a lower time-scale or to a lower stage in a time scale. The delinquent was earlier held guilty for his unauthorized absence vide D.P. No.12/2017 and two of his annual increments have been stopped with cumulative effect. The punishment shall be proportionate to the charges. The delinquent is a Group-‘D’ employee. He has worked for less than five years in his service. Hence, it is ordered.”

4. In the above background, this being the third disciplinary enquiry against the Petitioner in a short span of five years clearly there was no defence on merits which could explain the Petitioner’s chronic absence for such a long period.

5. It needs to be noted that the impugned order gives a relatively minor punishment of withholding of two annual increments with cumulative effect. This Court is, therefore, not persuaded to interfere with the impugned order of the District Judge.

6. The writ petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge