

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 13739 of 2003

Gopinath Patra

....

Petitioner

On behalf of

Mr. J.K. Rath, Senior Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. M.K. Khuntia, Addl. Govt. Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK

Order No.

ORDER
28.02.2022

27. 1. The challenge in the present petition is to an order dated 24th November, 2003 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack (OAT) in OA No.3303(C) of 1998 whereby the Petitioner's aforementioned OA was dismissed by the OAT.
2. The background facts are that the Petitioner while serving as Sub-Inspector of Police at Berhampur in Ganjam District, a disciplinary proceeding was initiated against him. After inquiry report held him guilty of the charges, the DIG of Police as Disciplinary Authority (DA) imposed the punishment of removal from service.
3. The appeal was dismissed by the DG-cum-IG of Police but the punishment was modified with the order of removal being converted to compulsory retirement.

4. An issue raised before the OAT by the Petitioner that the DIG of Police was not the appointing authority and therefore, could not have passed the order of removal. The OAT has, however, noted that the Appellate Authority being the appointing authority had applied his mind and imposed the punishment of compulsory retirement which he was competent to do.

5. Having heard learned counsel for the parties, the Court is of the view that the impugned order of the OAT does not suffer from any material irregularity warranting interference.

6. Rule 824 of the Police Manual lists out the possible punishments that can be awarded. Under Rule 836 of the said Police Manual the DG cum IG of Police as appointing authority was competent to impose such punishment. The Court therefore, is not persuaded to interfere in the matter.

7. The writ petition is dismissed, but in the circumstances, with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge