

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15808 of 2009

Shankar Prasad Hota

Petitioner
....
Mr.S.K.Ray, Advocate

-versus-

Chairman, OFDC Ltd. & Others

Opp. Parties
....
Mr. P.K.Panda, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

17.02.2022

Order No.

7.

1. In the present petition, the challenge is to an order dated 27th October, 2007 by the Disciplinary Authority (DA) Chairman, OFDC Ltd. awarding the punishment of recovery of Rs.1,00,683.39 and the order dated 11th April, 2008 in 28th June, 2009 passed by the Managing Director, rejecting the Petitioner's appeal.

2. The background facts are that, the Petitioner who was working with the Opp.Party OFDC Ltd. superannuated on 31st August, 2003. Just one month prior thereto, disciplinary inquiry was initiated against him on the following charges :

“i) Connivance with field staff of timber and K1.Division causing, pecuniary loss to the corporation to the tune of Rs.50,19,960.83.

ii) Lack of impeccable integrity

- iii) Gross misconduct
- iv) Breach of trust
- v) Negligence in duty”

3. The Enquiring Officer-cum- General Manager (EO) submitted a report of inquiry in which, *inter alia*, findings rendered by and large exonerated the Petitioner but still recommended recoveries to be made to the tune of around Rs. 7,000 from the Petitioner.

4. However, the DA found that there were irregularities. The DA observed that the Petitioner as Dy. Divisional Manager was responsible for lack of verification, supervision and control ‘which he as head of office failed to exercise’. 5% of the loss was therefore, asked to be recovered from him. Likewise, a finding was returned that there was short receipt of round timber in the Saw Mill at Jeypore (C) Division for which again 5% loss of was asked to be recovered from the Petitioner. That is how, the D.A. calculated the amount to be recovered as Rs.1,00,683.39.

5. Learned counsel for the Petitioner placed reliance on the observations in the EO’s report to the effect that there are no sufficient grounds for holding that the Petitioner was directly responsible for the irregularity committed in the Central Godowns or in accepting the accounts. Having carefully perused of the findings in the report of the EO, the Court is

not prepared to accept the plea that the EO completely exonerated the Petitioner. Otherwise, it does not explain the recommendation made by the EO for recoveries. All that has happened is that the DA enhanced the recovery amount but for the reasons clearly explained in the order dated 27th October, 2007.

6. There is no complaint of any procedural irregularity in this regard. The copies of the enquiry report were furnished to the Petitioner and a show-cause notice was issued to him at the stage of punishment against which he made a representation. The only issue is with regard to the enhancement of the sum ordered to be recovered from the Petitioner. In that context, the Court does not find the order of the DA to be erroneous, disproportionate or arbitrary warranting interference. Likewise, the order of the Appellate Authority concurring with the said order of the DA also calls for no interference.

7. The writ petition is dismissed but with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge