

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22565 of 2013

**Chief General Manager,
Telecommunication, BSNL,
Orissa Circle, Bhubaneswar &
Ors.**

.....

Petitioner

Mr. K.C. Kanungo, Advocate

Vs.

Jugal Kishore Bisoi & Anr.

.....

Opposite Parties

*Mr. J.M. Patnaik, Advocate
(O.P.1)*

CORAM:

**DR. JUSTICE B.R. SARANGI
MR. JUSTICE S.K. MISHRA**

**ORDER
15.07.2022**

Order No.
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This matter is taken up through hybrid mode.

2. Heard Mr. K.C. Kanungo, learned counsel for the Petitioners and Mr. J.M. Pattnaik, learned counsel appearing for Opposite Party No.1.

3. The Authorities of Telecom Department, being the Petitioners, have filed this Writ Petition seeking to quash the order dated 24.07.2013 passed in O.A. No.212 of 2010, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack, while quashing the Charge-Sheet dated 26.11.1990, Report of the Inquiry Officer dated 24.08.1992, the Order dated 28.10.1992 passed by the Disciplinary Authority, the Order dated 14.10.1999 passed by the Appellate Authority, the Order dated 23.11.2000 passed by the Revisional Authority and the Order dated 25.01.2003 passed by the Reviewing Authority, held that Opposite Party No.1 is entitled to all consequential and financial benefits

retrospectively, which should be calculated and paid by the Petitioners at an early date, preferably within a period of ninety days from the date of receipt of the Order.

4. Mr. K.C. Kanungo, learned counsel for the Petitioners contended that the Tribunal has committed gross error apparent on the face of the records by quashing the Orders, as mentioned above, without any application of mind. As such, the Order dated 24.07.2013 so passed by the Tribunal in O.A. No.212 of 2010 cannot sustain in the eye of law.

5. Mr. J.M. Pattnaik, learned counsel appearing for Opposite Party No.1 contended that the Tribunal has rightly passed order dated 24.07.2013 and in the meantime, Opposite Party No.1 has attained the age of 80 years. In the event, any contrary order is passed at this stage, that will cause prejudice to Opposite Party No. 1.

6. Having heard learned Counsel for the parties and after going through the records, this Court is of the considered view that since the Tribunal has passed reasoned order by setting aside the Charge-Sheet dated 26.11.1990, report of the Inquiry Officer dated 24.08.1992, the Order dated 28.10.1992 passed by the Disciplinary Authority, the Order dated 14.10.1999 passed by the Appellate Authority, the Order dated 23.11.2000 passed by the Revisional Authority and the order dated 25.01.2003 passed by the Reviewing Authority, there is no scope to interfere with the order dated 24.07.2013 passed by the Tribunal in O.A. No.212 of 2010 at this point of time, when Opposite Party No.1 has attained the age of 80 years. Accordingly, the Writ Petition merits no consideration and the same is dismissed. The differential

amount, which has been deposited pursuant to order dated 03.01.2019, may be released in favour of Opposite Party No.1 along with interest accrued thereon as expeditiously as possible.

7. Issue urgent certified copy as per rules.

Alok/Ananta

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

