

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 16953 of 2008**

***Golap Nayak***

....

***Petitioner***

Ms. Pranamita Bastia, Advocate  
on behalf of Mr. B.K. Nayak, Advocate

*-versus-*

***Union of India and Others***

....

***Opposite Parties***

Mr. P.K. Parhi, Asst. Solicitor General  
along with Central Government Counsel

**CORAM:**

**THE CHIEF JUSTICE**

**JUSTICE R.K. PATTANAİK**

**ORDER**

**07.02.2022**

**Order No.**

03. 1. The challenge in the present petition is to an order dated 11<sup>th</sup> July, 2008 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (CAT) in O.A. No.520 of 2007 filed by the present Petitioner.
2. The background facts are that husband of the Petitioner was serving as a Postal Assistant under the Superintendent of Posts, Mayurbhanj from 2<sup>nd</sup> July, 1967 onwards and he became the Post Master. In 1984, there was an allegation against him of misappropriation of money. The allegation was that he had forged the signature of an account holder and misappropriated certain funds from the said account. Departmental proceedings were initiated simultaneously with the criminal proceedings.

3. The criminal proceedings culminated against the Petitioner ended in his being convicted and sentenced by the trial Court. It was confirmed by the Sessions Judge, Mayurbhanj for dismissing the Criminal Appeal No.59 of 1988. This Court on 6<sup>th</sup> April, 1994 disposed of the Criminal Revision No.73 1992 filed by the Petitioner's husband challenging the said conviction and sentence. This Court declined to interfere with the conviction but modified the sentence. Meanwhile the Petitioner's husband was found guilty in the departmental proceedings and dismissed from service.

4. The Petitioner approached the CAT praying that she should be granted compassionate allowance under Rule 41 of the CCS (Pension) Rules. The CAT, in the impugned order, declined the said prayer on the ground that the misconduct for which the employee has been dismissed from service in the disciplinary proceedings which was a grave one.

5. Having heard learned counsel for the Petitioner, the Court is unable to be persuaded to take a view different from that taken by the CAT. Indeed in the present case, with the conviction of the Petitioner's husband in the criminal case being confirmed by this Court and the nature of charge being misappropriation of money from a person's saving account, the misconduct for which the Petitioner's husband was dismissed from service was grave. The order of the CAT declining to grant any relief in terms of Rule 41(2) of the CCS (Pension) Rules to the Petitioner suffers from no legal infirmity.

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

***(Dr. S. Muralidhar)***  
***Chief Justice***

***(R.K. Pattanaik)***  
***Judge***

*S.K. Jena/P.A.*

