

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1483 of 2014

Girish Chandra Adhikari

.....

Petitioner

Mr. A. K. Nath, Advocate

Vs.

State of Orissa and Others

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

04.08.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. A. K. Nath, learned Counsel for the Petitioner and Mr. S. Nayak, learned Additional Standing Counsel.

3. Petitioner has filed this Writ Petition seeking to quash Annexures-2, the letter dated 29.03.2011 issued by Opposite Party No. 2 validating the action taken by Opposite Party No.3, as well as Annexure-3, the letter dated 20.08.2010 issued by Opposite Party No.3 directing the Petitioner to deposit an amount of Rs.1,59,144/- and report compliance, and also Annexure-5, the order dated 09.10.2013 passed by the Tribunal in O.A. No.529 of 2011 refusing to grant relief sought by the Petitioners.

4. The facts of the case, in brief, are that the Petitioner, while working as a Forest Range Officer, Telkoi Range under Opposite Party No. 3, was issued with an order of transfer dated 06.02.2010. Since OFSDP works were going on, he requested Opposite Party No. 3 to allow him time till

end of February, 2010 to enable him to close the monthly account for February, 2010 and hand over charge. However, the request was not accepted and the Petitioner was relieved from Telkoi Range on 17.02.2010. While working as the Working Plan Officer, Keonjhar, he was issued with an order in the month of July, 2010 asking him to explain why the monthly account submitted by him for February, 2010 would not be expunged. Though the petitioner was relieved from Telkoi Range on 17.02.2010, he had submitted account for the month of February, 2010 by charging beyond 17.02.2010. Neither any allegation of misappropriation of money nor payment in violation of norms was levelled against the Petitioner. In response to the notice, the Petitioner submitted his explanation stating therein that since OFSDP works were going on with the direct supervision of the Forester (Project), the works could not be stopped for which he had already withdrawn money from the bank accounts. Since it was a project work, the account had to be submitted at the end of the month and accordingly, he had submitted the account at the end of the month. Since the work was done for the best interest of the people with active involvement of the staff and VSS members, there is no justification in expunging the account. Accordingly, the Petitioner in his explanation requested for acceptance of the OFSDP account for the month of February, 2010 and adjustment of the same. Opposite Party No. 3 issued an order dated 20.08.2010 intimating that his explanation was not acceptable and the entire cash account for the month of February, 2010 amounting to Rs.1,59,444/- was disallowed

and the Petitioner was directed to deposit the said amount and report compliance. As per Rule-346 of the Orissa Forest Code, 1979, if a voucher is withheld, for incorporation in the Divisional Accounts on account of inaccuracies, or owing to suspicion of fraud, the explanation of the Range Officer and the Officer, who has disbursed the amount in the voucher should be obtained. Opposite Party No.3, after due consideration of the explanation, shall order about its incorporation in part or full or he may order disallowing the vouchers. The disallowed amount shall then be recovered from the person disbursing the voucher. An appeal against the decision of the Divisional Forest Officer shall however be with the Conservator if it is preferred, within thirty days. The decision of the Conservator shall be final. In the event of a fraudulent voucher been disallowed in part or in full, further disciplinary action may also be taken. Sub-Rule (2) of Rule-346 further lays down that “decision on withheld vouchers should be taken within three months, failing which all withheld vouchers shall be incorporated in the Accounts”. Neither Opposite Party No. 2 nor Opposite Party No. 3 is competent to impose any penalty on the Petitioner as per OCS (CC&A) Rules, 1962. It was only the Principal CCF, Orissa to order recovery under the OCS (CC&A) Rules as he is the Appointing Authority and competent to do so.

5. Challenging the said Order, the Petitioner approached the Tribunal by filing O.A. No.529 of 2011 and the Tribunal vide Order dated 09.10.2013 rejected the claim of the Petitioner by observing that once the petitioner was relieved on 17.02.2010, there was no justification to prepare vouchers

for the entire month of February, 2010 and make unauthorized expenditure. As such, personal interest of the Petitioner in incurring expenditure, even after his relief, is well inferred.

6. In that view of the matter, this Court does not find any error in the Order dated 09.10.2013 passed by the Tribunal in O.A. No.529 of 2011 so as to cause interference of this Court. Accordingly, the Writ Petition merits no consideration and the same is dismissed.

Alok/Ananta

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

