

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4176 OF 2017

Udayanath Behera

***..... Petitioner
Mr. P.K.Singh, Adv.***

-versus-

State of Odisha & Ors.

***..... Opposite Parties
Mr. K.K.Gaya, ASC
Mr. A.K.Mishra, Adv. for O.P.No.2***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
05.07.2022**

**Order No.
06.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and Mr. Mishra, learned counsel for the Odisha State Civil Supplies Corporation Limited.
3. The petitioner who was working as Senior Accounts Supervisor in the office of District Manager, Odisha State Civil Supplies Corporation Limited has approached this Court assailing the order dated 7.12.2016 at Annexure-2 by which the petitioner was directed to deposit a sum of Rs. 16,64,233.50 towards proportionate interest charged due to lack of supervision during his incumbency as Senior Accountant of Sundargarh District from July, 2009 to June, 2011, and the order passed by the Odisha Civil Supplies Corporation dated 3.02.2017 at Annexure-1 directing the District Manager of the Civil Supplies Corporation Limited, Keonjhar to effect such recovery from the petitioner.

4. During course of deliberation, learned counsel for the petitioner submits that in the meanwhile the petitioner has retired and is not getting any retiral dues because of the order impugned herein. The learned counsel for the petitioner relies on the office order dated 6.11.2015 at Annexure-11 by which the Corporation had taken a decision to fix percentage of responsibility on the defaulting staff on the basis of audit report referred to therein. The said office order is extracted hereunder.

“OFFICE ORDER

A committee comprising of the following officers is hereby constituted on calculation of interest & fixation of percentage of responsibility on the defaulting staff in connection with Audit report No. 8/13 on departmental Storage Agency of Rourkela Municipality for the period from Sept.- 2007 to July-2011.

- | | |
|-------------------------------|-------------------|
| 1. FA & CAO | - Chairman |
| 2. CGM | - Member |
| 3. GM(PDS) | - Member |
| 4. GM(Admn.) | - Member Convener |
| 5. DM, OSCSC Ltd., Sundargarh | - Member |

By Order of Managing Director

Sd/-

General Manager (Admn.)”

5. It is submitted by the learned counsel for the petitioner though, the exercise for “calculation of interest & fixation of

percentage of responsibility” in terms of the aforesaid office order has already been undertaken quantifying the petitioner’s financial liability. Yet, the same is not being taken into account for which the petitioner is not able to get his retiral dues.

6. Accordingly, this Court directs the opposite parties-Corporation to fix the responsibility of the petitioner on the basis of decision taken in terms of the above office order within a period of two months from the date of receipt/production of the certified copy of this order, since it is stated that the petitioner is not getting any pensionary benefits because of non-finalization of his financial liability.

7. The writ petition accordingly stands disposed of.

8. Urgent certified copy of this order be granted as per rules.

Dhal

*(V.Narasingh)
Judge*

