

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No.39 of 2018

Ramesh Dunguri **Appellant**
Mr. Kishore Ku. Jena, Advocate
-versus-
Union of India and others **Respondents**
Mr. Debakanta Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN

Order No.

ORDER
03.11.2022

Misc. Case No.63 of 2018

02. 1. For the reasons stated, the delay of 101 days in filing the appeal is condoned. The application is allowed.

W.A. No.39 of 2018

2. The challenge in the present appeal is to a judgment dated 28th August, 2017 passed by the learned Single Judge dismissing W.P.(C) No.795 of 2008 filed by the Appellant questioning the order dated 18th November, 1993 passed by the Commandant, Central Industrial Security Force (CISF)—Disciplinary Authority (DA) inflicting the punishment of removal from service on the Appellant, who was working as a Sweeper with the CISF.

3. The charge against the Appellant was that he took a daughter of another Sweeper without informing him, and kept her in his brother's house and when the father came looking for his daughter, he started attacking him with deadly weapons causing him a head injury.

4. A regular inquiry was conducted during which the Appellant was placed under suspension. The Inquiry Officer found the charges proved and this was accepted by the DA who imposed the punishment of removal from service.

5. The order of the DA was confirmed by the Appellate Authority (AA). A revision petition was also filed against the order of the AA but that was rejected.

6. The charge against the Appellant was that being a married public servant himself, he kept the daughter of his co-employee in his house and when questioned, assaulted the father of the girl, which was unbecoming on the part of a public servant and that too in a disciplined force like the CISF.

7. Mr. Jena, learned counsel for the Appellant urged that an opportunity should be given to the Appellant to again cross-examine those who had deposed in the inquiry against him and, therefore, the matter should go back to the stage of inquiry.

8. The learned Single Judge has noted that there was no procedural infirmity in the inquiry conducted and has also declined to interfere in exercise of the powers of judicial review under Article 226/227 of the Constitution being satisfied that there was no violation of the principles of natural justice.

9. Learned counsel for the Appellant during the course of his submissions informed the Court that the girl in question has now married and settled. The incident is almost 30 years old. At this stage, to require witnesses to again be produced in an inquiry just to enable the Appellant to cross-examine them will not serve the ends of

justice. The Court is also not inclined to interfere with the concurrent findings with there has been no procedural irregularity or violation of the principles of natural justice during inquiry.

10. Consequently, there is no merit in the present writ appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

M. Panda

