

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1892 of 2012

Dinesh Ch. Behera

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Petitioner

Mr. G.R. Sethi, Advocate

Vs.

***D.G. & I.G. of Police,
Orissa, Cuttack & Others***

.....

Opposite parties

Mr. J.P. Pattnayak, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

21.03.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. J.P. Pattnayak, learned Government Advocate for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 18.09.2007 under Annexure-3 and also the order dated 09.12.2011 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack under Annexure-5 dismissing the original application filed by the petitioner.

4. Mr. G.R. Sethi, learned counsel for the petitioner vehemently contended that the petitioner, while working as a Sepoy, was removed from service vide Annexure-3 as per the provisions laid down in PMR-668 and PMR-673 (c) for submission of invalid registration card for his appointment and tampering the year of registration as '2004' in place of

‘2001’ in the said card. Challenging the said order, the petitioner approached the Orissa Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No. 2632(C) of 2007, which was dismissed vide order dated 09.12.2011 by holding that he was rightly discharged after allowing him an opportunity to be heard. It is further contended that the tribunal has committed gross error apparent on the face of the record in dismissing the original application filed by the petitioner. Therefore, this Court should interfere with the same.

5. Mr. J.P. Pattnayk, learned Government Advocate for the State contended that once the petitioner tampered the government documents, no equity can be claimed by him to extend the benefit at par with the similarly situated employees those who had approached the tribunal. Rather, such a person should be dealt with in proper manner so that he will not commit further mistake in future. As a consequence thereof, the order passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack cannot be faulted with.

6. Having heard learned counsel for the parties, after going through the records, it appears that the petitioner applied for the post of Sepoy by producing employment exchange registration card and on consideration of the same, he was selected and appointed. But subsequently, it was found that the petitioner had utilized an invalid registration card for his appointment as Sepoy in OSAP (S.S.) as he has tampered the year of registration as ‘2004’ in place of ‘2001’. Therefore, in view of the Provisions contained in PMR-668

and PMR 673 (c), since he had submitted an invalid registration card, he was rightly removed by the authority. Although the order of removal passed by the authority under Annexure-3 dated 18.08.2007 was challenged before the tribunal, but the same was upheld by the tribunal vide order dated 09.12.2011 under Annexure-5. This Court does not find any illegality or irregularity committed by the tribunal so as to cause interference with the same.

7. Accordingly, the writ petition merits no consideration and the same is dismissed.

Ashok /Sukanta

