

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.1209 OF 2002

Bijay Kumar Swain

....

Petitioner(s)
M/s.S.B.Jena,Adv.

-versus-

Union of India and others

....

Opposite Party(s)
Mr.M.Pradhan,CGC

CORAM:
JUSTICE BISWANATH RATH

ORDER
16.11.2022

Order No.

16.

1. Heard learned counsel for the Parties.
2. Undisputedly the dispute involving a disciplinary proceeding affecting the delinquent brought the litigation at hand. Proceeding undertaken in inquiry level and there is no allegation of non-compliance of natural justice. Inquiry being concluded, the disciplinary authority having passed the final order involving serious allegation against the Petitioner in discharge of duty showing disrespect to seniors taking alcohol. Order being challenged in Appeal, the Appellate Authority confirmed the view of the disciplinary authority. Further a revision being initiated, the revisional authority also concluded the same.
3. Going through the grounds raised herein while also keeping in view the grounds of challenge in course of argument, this Court finds, for confirmation of factual aspects by three forums, this Court in exercise of power under Article 227 of the Constitution of India has no scope to enter into determination of factual aspects. Further the

disciplinary proceeding involving the allegation of misbehavior along with allegation in taking alcohol during duty by the delinquent, law has been fairly well settled holding, there should not be shown any leniency to delinquent that too in type of service involved here.

4. In the circumstances this Court finds, there is no merit involving the Writ Petition which is dismissed accordingly.

(Biswanath Rath)
Judge

Swarna

