

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.10 of 2016

United Bank of India and others* *Appellants

M/s. H.M. Dhal, Advocate & Associates

-versus-

Niroj Kumar Das* *Respondent
None

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

11.10.2022

Order No.

02. 1. The challenge in the present appeal is to the Judgment dated 1st December 2015, passed by the learned Single Judge, allowing the W.P.(C) No.9535 of 2008 filed by the Respondent whereby he had sought quashing of the order dated 30th November, 2007 passed by the Appellant inflicting the punishment for compulsory retirement from service which had been confirmed by the Appellate Authority by an order dated 25th March, 2008.
2. Among the infirmities that the learned Single Judge noted in the disciplinary enquiry conducted against the Respondent were the following: not incorporating the statement of the Head Cashier in the memorandum of charge; not providing the list of witnesses in the charge sheet thereby depriving the Respondent for an opportunity to cross-examine the said Head Cashier basing on which statement the punishment had been imposed of compulsory

retirement on the Respondent. Further, the learned Single Judge noted that the evidence on record showed that there is in fact no intention on behalf of the Respondent to cause loss to the Bank and in fact no such loss was caused and, therefore, the punishment of compulsory retirement was itself unjustified.

3. Having heard learned counsel for the Appellant and having gone through the impugned order of the learned Single Judge as well as the documents on record, the Court is unable to come to a different conclusion. In fact, in the face of the aforementioned procedural lapses in the conduct of the disciplinary enquiry, the entire enquiry stood vitiated as did the consequential punishment imposed.

4. There being no grounds made out to interfere with the impugned order of the learned Single Judge, the present writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera