

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21548 OF 2011

Jagan M. Patnaik

**..... Petitioner
*Mr. A.K. Nanda, Adv.***

-versus-

G.M.-cum- A.A. Berhampur & Ors.

**..... Opposite Parties
*Mr. S.K.Pattnaik, Adv for O.P.-1
Miss S. Mishra, ASC***

CORAM:

JUSTICE V. NARASINGH

**ORDER
16.03.2022**

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the Opposite Parties- Corporation.
3. The petitioner while working as a Field Assistant faced a Departmental Inquiry for the alleged shortage of timber to the extent of 1.7574 Cubic Meters.

Accordingly, a Disciplinary Proceeding was initiated against him and after following due procedure and giving him personal hearing, the Divisional Manager, Orissa Forest Development Corporation Ltd, (OFDC) Bhanjanagar as per the order dtd. 30.09.2010 at Annexure-8 passed the following order;

“1. The loss sustained by OFDC Ltd. To the tune of Rs.15,593/- on account of shortage of 1.7574 cum. Timber at depot (Transport expenses minus Depot stacking) shall be deposited by the delinquent in lump-sum-. In the event of failure to deposit, the same shall be

recovered from his salary bill/arrear bill @ Rs.1100/- per month commencing from Oct. 2010 in 14 consecutive instalments, whereas the last instalment would be Rs.1293/- only.

2. *He is warned for future."*

Assailing the same the petitioner preferred a appeal to the General Manager, OFDC Ltd, Berhampur (c) Zone (Annexure-9). In the appeal it was specifically pleaded not to recover the amount as quantified assailing the order passed by the Appellate Authority confirming the order of punishment of recovery, the present writ petitioner has beenfiled..

4. Learned counsel for the petitioner reiterated his submission that the attending supervening circumstances, which resulted in the alleged shortage ought to have weighed with the authority while fixing the quantum of recovery.

5. Per contra, the learned counsel appearing on behalf of the Corporation referring the counter affidavit filed, urges with vehemence that the Department has been lenient in only imposing penalty of recovery of Rs.15,593/- and as adequate opportunity was given to the petitioner, there is no ground to invoke the jurisdiction of this Court and it is further stated that both the Inquiring Officer and Appellate Authority have exercised their jurisdiction in cogent manner and hence interference of this Court is unwarranted.

6. Having heard the learned counsels for the parties, taking into account that the petitioner has been serving the organization for over decades and is on the verge of retirement, this Court feels that interest of justice and equity would be sub-served, if the

penalty imposed is reduced by half and accordingly, it is directed that the impugned penalty shall be quantified at Rs. 7500/- (Rupees Seven Thousand Five Hundred) which shall be recovered in lump sum from the retiral benefit of the petitioner.

7. With such modification the writ petition is disposed of.
8. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*

