

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5422 of 2016

Deepak Kumar Kar

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Petitioner

Mr. Sambit Rath, Advocate

Vs.

Union of India & Ors..

.....

Opposite parties

*Mr. D.R. Bhokta, CGC
(O.Ps.1-4)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

28.03.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Rath, learned counsel for the petitioner and Mr. D.R. Bhokta, learned Central Government Counsel for opposite parties no.1 to 4.

3. The petitioner has filed this writ petition to quash the order of punishment dated 17.01.2012 under Annexure-9 passed by the appellate authority and the order dated 21.12.2015 under Annexure-10 passed by Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.219 of 2012.

4. The original order of penalty imposed by the disciplinary authority had been reduced vide order dated 22.09.2008 by the Appellate Authority. Thereafter, pursuant to order dated 02.08.2011, passed in O.A. No. 8 of 2009, the Appellate Authority has considered the matter and passed a reasoned order and further reduced the punishment, vide order dated 17.01.2012. The appellate authority has imposed the following penalty:

“With immediate effect, the present pay is reduced by one stage in the present grade for a period of three (03) months with

cumulative effect, that is, it will have the effect of postponing the future increment of pay on restoration.”

Against the said order, the petitioner, without filing appeal before ADRM/KUR within a period of 45 days, as was observed by the appellate authority, approached the Central Administrative Tribunal, which confirmed the said order of punishment by passing a reasoned order.

5. On perusal of the order dated 21.12.2015 passed by the Central Administrative Tribunal in O.A. No.219 of 2012, we find no illegality or irregularity has been committed by the tribunal so as to warrant interference of this Court.

6. It is noted that against the order passed by the Central Administrative Tribunal, the petitioner had approached this Court in 2016 and when the case was listed on 21.07.2017, none had appeared for the petitioner. Now, the case has been listed in the year 2022. In the meanwhile, by efflux of time, the punishment imposed on the petitioner must have been effectuated.

Therefore, this Court is not inclined to entertain this writ petition.

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

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE