

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16231 of 2022

Siba Narayan Sahu

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.09.2022**

Order No

- 04.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. K. C. Sahu, learned counsel for the Petitioner and Mr. A.P.Das, learned Addl. Standing Counsel for the State- Opposite Parties.
3. Counter affidavit filed in Court be kept on record.
4. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Court be pleased to admit & allow this writ petition.

(ii) The Hon’ble Court be pleased to allow this writ petition by further quashing the impugned order dtd.03.12.2021 under Annexure-9 passed by the Opp. Party No.3 by further directing Opp .Party No.2 & 4 to sanction & disburse the withheld annual periodical increments in respect of the petitioner from January 2016 to January 2022 along with fixation / revision of pay with all consequential service and differential financial benefits in favour of the petitioner keeping in view of the provision of Rule-77 of Odisha Service Code within a time bound period for the interest of justice.

(iii) The Hon'ble Court be pleased to pass any other order(s) / direction () as deems fit & proper for the bona fide interest of justice".

4. Learned counsel for the Petitioner submitted that in the proceeding initiated against the Petitioner, final order of punishment was passed on 30.09.2014 under Annexure-4. The penalty so imposed against the Petitioner are quoted hereunder:-

"(i) Loose of Govt. money i.e. a sum of Rs.3,41,543.00 (Rupees three lakhs forty-one thousand five hundred & forty three) only on misappropriation by preparing false and fictitious vouchers towards loading & unloading charges of Rice under E.A.S scheme be recovered from the Delinquent"

(ii) One increment be withheld with cumulative effect.

(iii) He will not be posted to Block Tahasil Offices and ICDS Projects.

(iv) He is censured".

5. It is submitted that challenging such order of punishment, the Petitioner though preferred an appeal, the same was also rejected and accordingly the Petitioner challenging both the orders approached the learned Tribunal in O.A No.1916/2016.

6. It is submitted that learned Tribunal vide its order dated 7.3.2018 disposed of the said Original Application with the following order:-

"In the result the O.A is allowed in part. The punishment No.3 that "he will not be posted to Blocks, Tahasil Officers and ICDS Projects" stands quashed. The other three punishment imposed by Appellate Authority is affirmed. Accordingly, the O.A is disposed of".

7. It is submitted that though the Petitioner has filed Review Petition No.14/2018 against the order dated 7.3.2018, but the same is pending adjudication.

8. Mr. Sahu, learned counsel for the Petitioner submitted that in the order of punishment passed under Annexure-4, it was directed to withhold one increment of the Petitioner with cumulative effect and that order was passed on 30.09.2014. But it is submitted that even after implementing the said order by withholding one increment with cumulative effect, no further increment is being allowed in favour of the Petitioner till date. Accordingly, the Present Writ Petition has been filed with a prayer to direct the Opposite Parties to dispose of the annual increment as due and admissible.

9. A counter affidavit is filed by the learned Addl. Standing Counsel in Court and in the said counter it has been indicated that the order of punishment passed on 09.10.2014 shall be regulated basing upon the final order to be passed in O.A No.1916/2016. As indicated hereinabove O.A No.1916 / 2016 has already been disposed of vide order dated 07.03.2018 and learned Tribunal while upholding the order of punishment passed under Annexure-4 only quashed the order of punishment imposed under sub-item (iii).

10. Therefore, in view of the stand taken by the learned counsel for the Petitioner and the stand taken in the counter affidavit, this Court finds that after withholding one increment with cumulative effect, there is no occasion on the part of the Opposite Parties in not sanctioning the

further increment as due and admissible in favour of the Petitioner.

11. Therefore, this Court while disposing the Writ Petition directs the Opposite Party No.2 to look into the grievance of the Petitioner and see that the annual increment of the petitioner as due and admissible is disbursed within a period of one month from the date of receipt of this order. It is further observed that on such sanction of annual increment as due and admissible, the differential arrear be also released in favour of the Petitioner within a further period of one month.

12. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

