

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26151 OF 2022

William Minz

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.10.2022

Order No

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S. Pattanaik, learned counsel for the petitioner and Mr. A.P. Das, learned A.S.C.
3. The present writ petition has been filed challenging the order of punishment passed on 24.10.2017 and 24.7.2018 under Annexures-9 & 10 respectively.
4. Mr. Pattanaik, learned counsel for the petitioner submitted that the departmental proceeding was initiated against the petitioner, as the petitioner remained on leave w.e.f 08.01.2007. It is also submitted that because of the order of punishment passed under Annexures-9 & 10, the petitioner has been deprived from getting the benefit of pension and other pensionary benefits.
5. Mr. A.P. Das, learned A.S.C on the other hand submitted that in the proceeding initiated against the petitioner under Annexure-8, the petitioner never filed

his written statement of defence nor participated in the enquiry. It is also submitted that the petitioner never submitted his reply to the first and second show-cause notice issued in the said proceeding and the order of punishment passed under Annexures-9 & 10 was never challenged by him. It is also submitted that since the petitioner remained on unauthorized leave for more than five years, taking recourse to the provision contained under Rule-72 of the Orissa Service Code, the petitioner has been dismissed from the service. Accordingly it is submitted that since the petitioner has already been dismissed from service, he is not entitled to get the benefit of pension and other pensionary benefits.

6. Having heard learned counsel for the parties and after going through the materials available on record, this Court finds that due to sheer negligence on the part of the petitioner, the Departmental authority passed the impugned order of punishment under Annexures-9 & 10 wayback on 24.10.2017 and 24.7.2018. This Court finds that no illegality has been committed by the said authority in passing the impugned order. Secondly, the impugned order though has been challenged after more than five years of its passing, no explanation has been given by the petitioner for such delayed approach in challenging

both the orders. Therefore, this Court is not inclined to entertain the prayer as made in the Writ Petition.

7. Accordingly, the Writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge

sangita

