

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.2335 of 2017

Md. Afzal Alam

.... Petitioner

-versus-

State of Odisha & Others

.... Respondents

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
16.09.2022**

Order No

02.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. P.K.Nayak, learned counsel for the Petitioner and Mr. Panigrahi, learned Addl. Standing Counsel for the State-Opposite Parties.
- 3.** The Present Writ Petition has been filed by the Petitioner challenging the order of punishment passed by the Opposite Party No.4 under Annexure-6, confirmed by the appellate authority under Annexure-8 and by the Revisional Authority under Annexure-10.
- 4.** It is the sole contention of Mr. Nayak, learned counsel for the Petitioner that he left the duty of Guard with due permission of the Guard Commandant and accordingly the charge framed against him should not have been accepted with imposition of punishment by the Original Authority vide order under Annexure-6.
- 5.** Mr. Nayak, learned counsel for the Petitioner further submitted that the said proceeding was initiated against the Petitioner basing on the inspection made by the

Superintendent of Police, Jharsuguda and the said authority is not competent to initiate the proceeding as he was the Inspecting Authority who made the inspection during the relevant time on 2/3.2.2013.

6. Mr. Nayak, learned counsel for the Petitioner also relied on the decision of the Hon'ble Apex Court in the case of **Mohd. Yunus Khan vs. State of Uttar Pradesh & Others** reported in **(2010) 10 SCC-539**.

7. This Court after going through the materials available on record finds that the Petitioner has admitted in his explanation regarding his absence for the relevant period on the particular date i.e. 2.2.2013 / 3.2.2013. The stand taken by the Petitioner that he was granted permission by the Guard Commandant to leave is not supported by any evidence and on the other hand the said Guard Commandant has clearly stated before the Enquiry Officer that the Petitioner had never intimated about his leaving the duty before him. The decision relied on by the learned counsel for the Petitioner is also not applicable to the facts of the present case.

8. In view of that, this Court finds no illegality or irregularity in the order passed under Annexures-6, 8 and 10 and not inclined to entertain the same.

9. Accordingly, the Writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge