

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3476 of 2012

Brahmananda Samanta

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.10.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Rabinarayan Nayak, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the Opp. Parties.
3. It is submitted that basing on audit recovery an amount of Rs.14,326/- (Rs. Fourteen thousand three hundred twenty six) was directed to be recovered from the Petitioner vide the impugned communication dtd.29.09.2012 under Annexure-4. It is also submitted that since no proceeding was ever initiated to determine the amount, basing on audit recovery no recovery order can be issued.
4. Mr. Balabantaray, learned Standing Counsel on the other hand submitted that the aforesaid amount has been determined basing on audit recovery report submitted in the prescribed form and no illegality is made by directing for recovery of the amount.
5. Heard learned counsel for the Parties. Perused the materials available on record. After going through the same, this Court finds

that without initiating any proceeding and without determining the amount in question basing on audit recovery the impugned order at Annexure-4 has been issued. It is the settled position that basing on audit recovery no recovery order can be passed against an employee. Therefore, this Court is inclined to quash the recovery of the amount as indicated in Annexure-4. While quashing the same, this Court observes that since the Petitioner is a retired employee the withheld amount as indicated in Annexure-4 be released in his favour within a period of two (2) months from the date of receipt of this order.

6. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha

