

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.38105 OF 2021

Bijay Kumar Jain

....

Petitioner

Mr.P.K.Mohanty, Advocate

-versus-

BPCL, Sambalpur, & anr.

....

Opposite Party

None

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
3.1.2022**

Order No.

01.

1. The Writ Petition involves the following prayer :-

“It is, therefore, humbly prayed that this Hon’ble Court may graciously be pleased to issue Rule NISI, calling upon the Opp.Parties to show cause as to why a writ of mandamus shall not be issued quashing the letter under Annexure-1. And on perusal of causes shown if any or upon insufficient causes shown make the said Rule absolute, And pass such other order/orders, direction/directions as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Pressing hard on the re-consideration aspect, learned counsel for the Petitioner submitted that for the Petitioner already made a request for re-considering the issues involved herein through Annexure-2 & 4, there may be a direction to the Competent Authority for considering the further case of the Petitioner.

3. Considering the grievance of the Petitioner and the detection by the Competent Authority through Annexure-1, this Court finds, there has been serious defalcation by the Petitioner so far as it relates to maintenance of First Aid Box and retaining medicine beyond expiry and the deploying men not in uniform. For the opinion of this Court, the issues involved are very serious. Had anybody suffered inside the area of operation, there was bound to be application of expired medicines for the poorly maintenance of the First Aid Box. Further looking to the nature of business, once there is a dress code applying to the Dealers, it becomes compulsory at least to identify the personnel involved there. This Court here observes, in spite of such serious defalcation, the Authority considering it to be first instance violation has chosen the caution to the Petitioner instead of imposing higher punishment.

4. Considering the above, this Court finds no scope for interfering with the impugned order under Annexure-1.

5. The Writ Petition thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout