

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WA No.986 of 2021**

**Odisha Forest Development Corporation Ltd represented through its' Manager Director, Bhubaneswar and Others** .... **Appellants**

Ms. Saday Laxmi Patnaik, Advocates  
-versus-

**Guru Charan Tarai and another** .... **Respondents**

**CORAM:**  
**JUSTICE JASWANT SINGH**  
**JUSTICE M. S. RAMAN**

**ORDER (Oral)**  
**16.02.2022**

**Order No.**

- 02.** 1. This matter is taken up by virtual/physical mode.
2. The Appellants no. 1 to 4 have filed the present intra court appeal challenging the decision of the learned Single Judge dated 23.11.2021 in WP(C) 16613 of 2008.
3. The brief facts relevant to this case are that the present Appellants are the Odisha Forest Development Corporation (OFDC) and its various authorities. The present Respondent 1 namely Mr. GC Tarai was appointed as a Sectional Supervisor in the OFDC branch of Angul from 02.11.85 to 08.08.03. He voluntarily retired from service on 30.06.2005.

4. The present Respondent 1 made repeated requests to the Appellants to pay his retiral benefits. However, the Appellants did not pay heed to such requests. Moreover, the Appellants initiated a departmental proceeding vide office order No. 468 dated 04.12.2006 alleging that present respondent 1 had committed delay in handing over the keys of the coupes to his successor during the year 1982 and consequently, the Corporation lost a huge sum of Rs. 3, 38, 974.15/. The present Respondent 1 was asked to pay Rs.1,46,892/-.

5. Further, another office order numbered 290 was issued on 31.05.2007 alleging that the conduct of the Respondent 1 in the year 1982 led to shortage of timber and on 15.02.2008 the present Respondent 1 was asked to pay a sum of Rs. 1, 58, 850/- to the Respondent. The Corporation finally intimated the present Respondent that he is not entitled to any post-retiral benefit as all his benefits were to be used for recovery.

6. The present Respondent preferred a Writ Petition before this Court challenging the above mentioned office orders and the consequent nullification of retiral benefits. The learned single bench after relying upon the judgment of **Bhagirathi Jena v. Board of Directors, OSFC, AIR 1999 SC 1841** observed that *“since the Petitioner-herein retired from the service on attaining the age of superannuation on 30.06.2005, initiation of proceeding against the petitioner cannot sustain, and as such consequential demand raised also cannot sustain and the same are hereby quashed. The writ application was accordingly allowed.”*

7. Aggrieved by the said order, the present Appellants have preferred an Appeal to this Court. After hearing the Appellants, and upon due considerations, we are not inclined to accept the arguments of the Appellants. In the case of **State of Madhya Pradesh v. Bani Singh (AIR 1990 SC 1308)**, the Supreme Court of India was faced with a similar dispute. In the above case, a departmental enquiry and subsequent charge sheet was framed in the year 1987 for the acts committed by the officer in the year 1975-76. The Tribunal quashed the charge memo and the departmental enquiry on the ground of inordinate delay of over 12 years in the initiation of departmental proceedings. This ruling was also approved by the Supreme Court as it observed that it would be unreasonable to initiate a departmental proceeding after 12 years of the incident.

8. The decision of the learned single judge doesn't suffer from any infirmities and the present appeal stands dismissed.

**(Jaswant Singh)**  
**Judge**

**(M. S. Raman)**  
**Judge**

February 16<sup>th</sup> 2022  
Cuttack

AKPradhan