

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5715-5716/2020

(Arising out of impugned final judgment and order dated 25-04-2019 in WP(C) No. 16562/2008 and 21-11-2019 in IA No. 1277/2019 passed by the High Court Of Orissa At Cuttack)

UNION OF INDIA &amp; ORS.

PETITIONER(S)

VERSUS

CHANDRO MAJHI

RESPONDENT(S)

Date : 01-08-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Gurmeet Singh Makker, AOR  
Mr. K Parameshwaran, Adv.  
Mr. Madhav Sinhal, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Mr. Balendu Shekhar, Adv.  
Mr. Anmol Chandan, Adv.

For Respondent(s)

Ms. Anindita Pujari, AOR  
Mr. Abhineet Arvind, Adv.  
Mr. Maitreya Saha, Adv.  
Ms. Radhika Mohapatra, Adv.

UPON hearing the counsel, the Court made the following  
O R D E R

1. The petitioner-Union of India is aggrieved by the order dated 25<sup>th</sup> April, 2019, passed by the High Court of Orissa, whereunder the High Court has disposed of the Writ Petition No. 16562 of 2008 filed by the respondent-employee, who had challenged the order dated 21<sup>st</sup> April, 2008, passed by the Central Administrative

Tribunal, Cuttack Bench<sup>1</sup>, upholding the punishment of dismissal imposed on him. In the Writ Petition, the respondent-employee has prayed for issuance of a direction for his reinstatement in service with all consequential benefits including back wages. In a cursory one page order, the High Court has observed that having regard to the fact that the respondent-employee has superannuated during the pendency of the proceedings and the only allegation levelled against him is in respect of a sum of ₹2,14,000/- (Rupees Two Lakhs Fourteen Thousand), interest of justice would be served, if he deposits the said amount and on doing so, the order of dismissal passed against him would stand converted into compulsory retirement, with all retiral benefits.

2. The second order assailed by the petitioners was passed by the High Court on 21<sup>st</sup> November, 2019, on an application moved by the respondent-employee seeking issuance of directions to the petitioner to accept the Bank Draft of ₹2,14,000/- (Rupees Two Lakhs Fourteen Thousand). The petitioner *vide* the afore-dated impugned order was directed to accept the said amount and make compliances of the order passed on 25<sup>th</sup> April, 2019.

3. The main grievance of learned counsel for the petitioners is that having regard to the grave allegations levelled against the respondent-employee in the inquiry report submitted on 14<sup>th</sup> March, 2002, which was considered by the Disciplinary Authority *vide* order dated 29<sup>th</sup> January, 2003, it was directed that the respondent-employee be dismissed from service forthwith, has been upheld not just by the Appellate Authority (*vide* order dated 03<sup>rd</sup> July, 2003),

1 for short 'the Tribunal'

but also by the Revisional Authority (*vide* order dated 30<sup>th</sup> January, 2006 and finally, by the Tribunal *vide* order dated 21<sup>st</sup> April, 2008, there was no scope for inference on the quantum of punishment awarded to the respondent-employee, when there was no material on record to back such an order, reducing the punishment of dismissal from service to compulsory retirement and for directions to the petitioners to accept the sum of ₹2,14,000/- (Rupees Two Lakhs Fourteen Thousand) which amount was defalcated by the respondent-employee, during the course of his service.

4. Learned counsel for the respondent-employee supports the impugned orders and submits that if this Court is inclined to interfere in the impugned orders, then the matter may be remanded back to the High Court for consideration afresh of the case on merits.

5. Having regard to the cursory order passed by the High Court in the instant case, we are of the opinion that the same cannot be sustained. Accordingly, the impugned orders dated 25<sup>th</sup> April, 2019 and 21<sup>st</sup> November, 2019, are quashed and set aside. Keeping in mind the fact that the respondent-employee is above 70 years of age by now, Writ Petition No. 16562 of 2008 is restored to its original position. The same may be heard and decided on merits by the High Court preferably within a period of four months from today.

6. The Petitions for Special Leave to Appeal are disposed of on the above terms along with pending application(s), if any.

(POOJA SHARMA)  
COURT MASTER (SH)

(NAND KISHOR)  
COURT MASTER (NSH)