

02 23.06.2021

The matter is taken up through video conferencing mode.

Heard Mr. B.P. Das, learned counsel for the petitioner.

The petitioner has filed this writ petition challenging the order dated 20.01.2021 under Annexure-17 passed by the Chairman-cum-Managing Director, IDCOL/Chairman, IFCAL, by which major penalty of dismissal from service has been imposed w.e.f. 30.06.2020 and withheld all retirement dues of the petitioner permanently as a measure of penalty under IDCOL Discipline & Appeal Rules, 1983 including gratuity as the misconducts are serious in nature involving moral turpitude.

Mr. B.P. Das, learned counsel for the petitioner contended that Rule-4 of IDCOL Discipline & Appeal Rules, 1983 deals with disciplinary authorities. It is contended that as per the provisions of the aforesaid rules, the Managing Director is the disciplinary authority and the Chairman is the appellate authority so far as major penalty is concerned. But the order impugned has been passed by the Chairman-cum-Managing Director, IDCOL/Chairman, IFCAL. Thereby, the Chairman being the appellate authority has discharged the duty of disciplinary authority. Therefore, the petitioner has lost the forum to prefer appeal. Consequentially, the order impugned cannot sustain in the eye of law.

In the considered opinion of this Court, the matter requires consideration.

Issue notice to the opposite parties.

One extra copy of the writ petition be served within three days on learned Additional Government Advocate, as he appears for opposite party no.1.

Requisites for issuance of notice to opposite parties no.2 to 4 by Registered Post with A.D. shall be filed within three days. Office shall send notice to the said opposite parties fixing a short returnable date.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021.

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(DR. B.R. SARANGI)
JUDGE