

ITEM NO.110

COURT NO.7

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 358-359 OF 2005

PRASANA KUMAR PANDA

Appellant (s)

VERSUS

CENTRAL ELEC.SUPPLY CO.OF ORISSA LTD&ORS

Respondent(s)

Date:23/03/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Mr. K.V.Viswanathan, Sr. Adv.

Mr. B.Raghunath, Adv.

Mr. Abhishek, Adv.

Mr. P.B.Subramanyan, Adv.

Ms. Neha S.Verma, Adv.for

Mr. K.V. Vijayakumar,Adv.

For Respondent(s)

Mr. Raj Kumar Mehta,Adv.

Mr. Anteryami Upadhayay, Adv.

Mr. Lakhi Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Appeals are allowed in terms of the signed
order. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satiya)
Court Master

[Signed Order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.358-359 OF 2005

Prasana Kumar Panda

..Appellant

versus

Central Electricity Supply Co. of
Orissa Limited & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

These Appeals have been filed against the impugned

judgment of the Orissa High Court dated 08th April, 2003 passed in O.J.C. No. 10880 of 2001 and subsequent order dated 22nd January, 2004 passed in a review application.

The facts in detail have been set out in the impugned judgment and hence we are not repeating the same here except wherever necessary.

The appellant was charge-sheeted and a punishment of withholding of three annual increments with cumulative effect was imposed on him by the Superintending Engineer vide order dated 20.12.1999.

Thereafter, in appeal, the punishment was enhanced by the Managing Director vide order dated 26th July, 2001. Apart from withholding of three increments with cumulative effect, the punishment was enhanced and it was directed that an amount of Rs.33,609.70 which constitute 50% of the missing/stolen money shall be deposited by the appellant, failing which the amount was to be realized from the

-2-

appellant.

Learned senior counsel for the appellant submitted that the enhancement of punishment was done without issuing any show cause notice to him. This fact has not been disputed by the learned counsel appearing for the respondents.

In view of the facts and circumstances of this case, we set aside the impugned orders as well as order enhancing the punishment on this ground alone. It is now open to the respondents to issue a show cause notice to the appellant and pass a fresh order in accordance with law.

The appeals are allowed accordingly. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;

.....J.

MARCH 23, 2010

[A.K. PATNAIK]