
(2006) 07 JH CK 0123
In the Jharkhand High Court
Case No : CWJC No. 257 of 1998 (R)

P. Rajiv

APPELLANT

Vs

Ferro Scrap Nigam Ltd. and Others

RESPONDENT

Date of Decision : 31-07-2006

Acts Referred:

Citation : (2006) 4 JCR 272

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : B.V. Kumar, for the Appellant; Babhan Lal, for the Respondent

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Petitioner has filed this writ petition for quashing the order dated 24.5.1996 (Annexure-4), passed by Deputy General Manager, Personnel and Administration of respondent No. 1, whereby services of the petitioner was terminated w.e.f. 27.5.1996 and also for quashing the order of the appellate authority dated 31.10.1997 (Annexure-7) confirming the said order.

2. Mr. B.V. Kumar, learned Counsel for the petitioner, submitted that impugned orders are beyond the evidence on the record. He further submitted that in any event, punishment was too harsh. He also submitted that Shri PVRASN Raju, storekeeper, has been reinstated in the service, who was actually guilty of misconduct.

3. Mr. Babhan Lal, appearing for the respondents, submitted that scope of judicial review under writ jurisdiction is very limited and this Court may not sit in appeal over the said orders. He further submitted that the said Raju withdrew his writ petition filed against his dismissal before the Hon'ble High Court of Andhra Pradesh and accepted his guilt, and the Management might have take a sympathetic view as he was only a store keeper but so far as petitioner is concerned he being a responsible officer and who was found guilty, cannot be reinstated.

4. A departmental proceeding was initiated against the petitioner and the said Raju. Petitioner was working as Deputy Manager (Operation), Bokaro Unit in the year 1992. He was responsible for verification of incoming materials from the supplier. The charge against him was that he verified 2728 Mtrs. of Lancing Tubes purported to have been supplied under Challan dated 30.1.1992, as satisfactory, whereas in fact the material was not supplied by the party and full payment was released to it. By such acts, petitioner caused wrongful gain to the said party resulting wrongful pecuniary loss to the Company to the tune of Rs. 34,056.12. He was further charged that this act of omission and commission of the petitioner amounted to dishonesty in connection with the property of the Company thereby violating Rule 5(1) of CDA Rules and he also exhibited lack of integrity violating the Rule.

5. The enquiry officer after examining oral and documentary evidences adduced by the Management and the petitioner, submitted his report on or about 30.4.1996 (Annexure-2) holding that the said charges against the petitioner were established.

6. Mr. Kumar took me to the evidences. It appears that the case was based on the records. It has come in evidence that there was only one entry gate over which Central Industrial Security Force (CISF) staff were posted. The normal procedure was that every vehicle carrying goods which entered the factory through the gate were recorded in a register kept at the gate and the seal was put on the challan of the goods. After the goods reached stores, the storekeeper obtained a material verification report (MVR) from the operational head. Admittedly, petitioner was the person who was authorized to verify and make endorsement on such MVR. In this case, Ext MEx-3 was the challan and the MVR was Exts MEx-4. It was found that there was no stamp of the CISF personnel about the entry of the goods in the gate of the factory. It was further found that other circumstances also indicated that such goods were not received. The records of the consumption of the goods were also considered. The enquiry officer considered the materials on record at length and submitted a well-reasoned report holding the petitioner guilty. The disciplinary authority considered and agreed with the report and passed an order of dismissal on 24.5.1996 (Annexure-4). Petitioner filed appeal before the appellate authority but the same was also dismissed by order dated 31.10.1997 (Annexure-7).

7. The scope of judicial review in such matters under writ jurisdiction is very limited. After hearing the parties and going through the records, it cannot be said that the finding of guilt and the order of punishment of dismissal of the petitioner, call for any interference.

8. In the circumstances, this writ petition is dismissed. However, there will be no order as to costs.