

**(2021) 11 OHC CK 0186**

**In the Orissa High Court**

**Case No : Writ Petition Civil (OAC) No.1294 Of 2010**

Sankarsan Mishra

APPELLANT

Vs

Director Of Technical Education And Training, Odisha And  
Another

RESPONDENT

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**Date of Decision : 30-11-2021**

**Acts Referred:**

Orissa Civil Services (Pension) Rules, 1992 — Rule 7(2)(b)(ii)

**Citation : (2021) 11 OHC CK 0186**

**Hon'ble Judges : Arindam Sinha, J**

**Bench : Single Bench**

**Advocate : J.K.Lenka, H.K.Panigrahi**

**Final Decision : Disposed Of**

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## **Judgement**

Arindam Sinha, J

1. Mr. Lenka, learned advocate appears on behalf of petitioner and submits, impugned is, inter alia, memorandum dated 18th May, 2007 annexing thereto the charge-sheet against his client. His client retired on and after 31st October, 2002. He relies on Orissa Civil Services (Pension) Rules, 1992. He submits, sub-clause (ii) under clause (b) in sub-rule (2) of rule 7 makes liable the memorandum to be quashed.

2. Mr. Panigrahi, learned advocate appears on behalf of department. On query from Court, he confirms that petitioner retired on 31st October, 2002.

3. The charge-sheet accuses petitioner to have indulged in misdemeanor while he was in charge of stock and store with effect from 1st November, 1996 to 31st October, 2002. Latter date is beyond 4 years from date of memorandum. There is no question of the departmental proceeding to be maintained even with sanction of government since sub-clause relied upon says departmental proceeding referred to sub-rule (1) of rule 7 shall not be in respect of any event, which took place more than 4 years before such initiation. The memorandum and

all consequent act are quashed and set aside. Retiral benefits should forthwith be disbursed to petitioner, preferably within four weeks of communication of this order.

4. The writ petition is allowed and disposed of.

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