

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT**  
**AND**

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**W.P. No.21346 of 2017**

**ORDER : (ORAL)**

(per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition the petitioner has challenged the order dated 22.6.2016, passed in O.A. No.2296 of 2016, whereby while admitting the O.A. and issuing notice to respondents the learned Tribunal has passed the order as under :

“2. The applicant is stated to be a Sanitary Inspector. In the circumstances, the applicant is permitted to pay and the respondents are permitted to recover at the rate of Rs.5,000/- per month to the extent of Rs.96,244/-, which is ordered to be recovered from the applicant.”

2. We are of the considered opinion that the order passed by the learned Tribunal, as noted above, is without assigning any reason and that amounts to disposal of the O.A. without giving proper opportunity to the parties, thus, the order is perverse and we hereby set aside the same.

3. Let the learned Tribunal proceed with the O.A. and adjudicate the same on merits by giving opportunity to both sides.

4. The Writ Petition is accordingly allowed. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, in the matter shall stand closed.

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JUSTICE SURESH KUMAR KAIT

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DR.JUSTICE SHAMEEM AKTHER

30<sup>th</sup> June, 2017

skmr

