

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4446 of 2022

Ramesh Kumar Patra and others ***Petitioners***
Mr. Prafulla Kumar Rath, Advocate
-versus-
State of Odisha and others ***Opposite Parties***
Mr. P.C. Das, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The writ petition has been filed by the Petitioner with the following relief:

“ The petitioners, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/mandamus and/or any other further writ/direction and set aside the order of revocation dated 17.01.2022 passed by the Collector, Sundargarh under Annexure-1 and order of recovery of the arrear and excess payment dated 22.1.2022 passed by the BDO, Sadar, Sundargarh under Annexure-2 series & restore the pay fixation of petitioners as per Annexure-12 series.”
4. It is submitted by learned counsel for the Petitioners that the Petitioners were extended with 3rd MACP, however by order dated 17.01.2022 the same has been revoked without assigning any reason whatsoever. It is further submitted that no opportunity of hearing

was provided to the Petitioners. No reason whatsoever has also been given by the Collector, Sundargarh while revoking the order. This according to the learned counsel for the Petitioners is absolutely arbitrary and misuse of power vested with the Collector, Sundargarh.

5. Learned Additional Standing Counsel for the State on the other hand submits that in fact the impugned orders dated 17.01.2022 & 22.01.2022 under Annexures-1 and 2 do not disclose any reason as to why the order has been revoked.

6. Considering the submissions made by the respective parties, this Court is of the considered view that the exercise of power by the Collector, Sundargarh in passing the order dated 17.01.2022 (Annexure-1) and the consequential order of recovery of arrear and excess payment made to the Petitioners dated 22.1.2022, passed by the B.D.O., Sadar, Sundargarh (Annexure-2 series) are hereby quashed and the matter is remanded to the Collector, Sundargarh to consider the case of the Petitioners afresh after providing opportunity of hearing to the affected parties.

7. It is made clear that this Court has not expressed any opinion on the merits of the case.

8. With the above direction, the Writ Petition stands disposed of.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge