

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.4985 of 2022

Netrananda Barik and others

.... Petitioners
Mr.P.K.Rath, Advocate

-versus-

State of Odisha & others

.... Opp.Parties
Mr.Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Government Advocate.
3. The present writ application has been filed with the following prayer:

“The Petitioners, therefore, pray 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 Annexue-1 and restore the pay fixation of Petitioners as per Annexure-10 series.”
4. It is submitted by the learned counsel for the Petitioners that the Petitioners were extended with MACP by order dated 26.11.2021

by the District Panchayat Officer, Sundargarh. .However, by order No.126 dated 17.01.2022 by a cryptic and non-speaking order dated 26.11.2021 has been revoked without assigning any reason whatsoever. It is submitted by the learned counsel for the Petitioners that before revocation of the order dated 26.11.2021 no opportunity of hearing was provided to the Petitioners. He further submits that no reason whatsoever has been given by the Collector by 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 Government Advocate on the other hand submits that in fact the impugned order dated 17.01.2022 does not disclose any reason as to why the order dated 26.11.2021 has been revoked.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 order dated 17.01.2022 is absolutely arbitrary and not sustainable in the eye of law. In such view of the matter the order under Annexure-1 dated 17.01.2022 is hereby quashed and the matter is remanded back to the Collector, Sundargarh to consider afresh and take a decision after providing opportunity of hearing to the affected parties.

7. This Court has not expressed any opinion on the merits of the case.

8. With the aforesaid observation, the writ application is disposed of.

9. Issue urgent certified copy of the order as per Rules.

