

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19869 OF 2012

Kabiraj Sahu

**..... *Petitioner*
*Mr. P.K. Nayak , Advocate***

-versus-

State of Orissa & Others

**..... *Opposite Parties*
*Mr. S.N. Pattnaik, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
06.07.2022**

**Order No.
09.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.
3. The petitioner on being selected was engaged as Gram Rozgar Sevak and he joined as such on 05.12.2006 at Belpadar Gram Panchayat in the district of Bolangir. The engagement order is on record at Annexure-3.
4. While the petitioner was continuing as Gram Rozgar Sevak, a Show Cause Notice was issued dtd. 11.06.2012 calling upon to explain as to why he has not been disengaged from the GRS of Belpadar Gram Panchayat inter alia on the ground of negligence in duty, disobedience of orders of the Higher Authority and misconduct.

5. Pursuant to the Show Cause, the petitioner submitted his explanation on 20.07.2012 as evident from Annexure-6.

6. By order dtd. 26.09.2012 at Annexure-7 impugned herein the petitioner was disengaged from the post of Gram Rozgar Sevak on the ground of negligence in Government duties, disobedience of the order of the Higher Authority and non-improvement of work under MGNREGS towards expenditure and labour component.

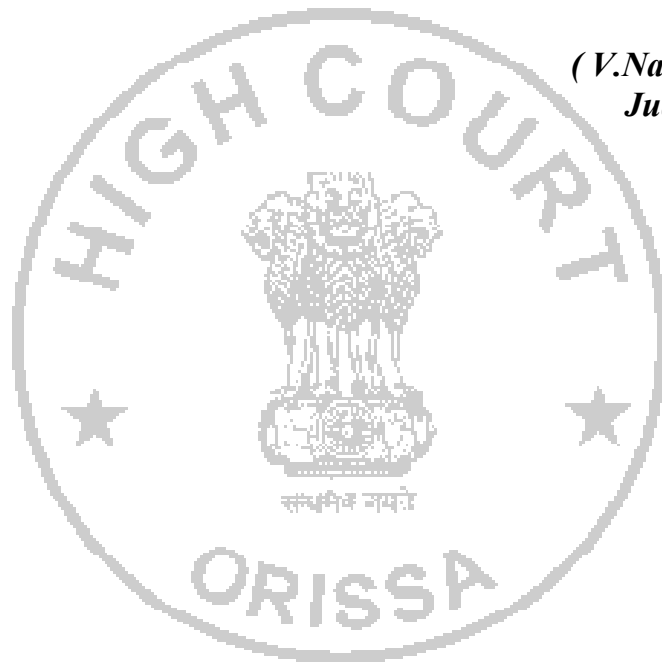
7. On a bare perusal of the order at Annexure-7, it can be seen that the same was passed without even referring to the Show Cause submitted by the petitioner on 20.07.2012. Law is no longer res-integra that any order that results in civil consequence must be passed after giving the person concerned an opportunity of hearing. The case at hand illustrates glaring violation of such salutary principle of natural justice. Hence taking into account, the manner in which the authorities have exercised their power, the order being ex-facie outcome of arbitrary exercise of power, the same is set aside. The Opposite Party No.1 (The Collector, Bolangir) is called upon to consider the Show Cause referred to above and pass appropriate order after giving an opportunity of hearing to the petitioner.

8. The entire exercise be completed within a period of six weeks from the date of receipt/production of the certified copy of this order.

9. Accordingly, the writ petition stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

Balaram



*(V.Narasingh)
Judge*