

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8761 of 2022

Pramod Kumar Mishra

..... Petitioner
Mr. Rajib Rath, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Rajib Rath, learned counsel for the Petitioner as well as Mr. Y.S.P. Babu, learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner challenging the order of reversion passed by the Commissioner of CT & GST, Odisha, Cuttack dated 15.03.2021 under Annexure-1 and the order of reinstatement in the lower rank by reverting him by way of punishment and further seeking for quashing of the orders as illegal and arbitrary as it has been passed in gross violation and contravention of the CCA Rules, 1962 as well as principles of natural justice and further the petitioner also prays for a direction to place him in his former post from which he was reverted by an order of punishment passed by the authority. Further, he has also prayed for the period of suspension as leave and to allow as due as admissible.

4. It is submitted by learned counsel for the petitioner that the final order of the authority under Annexure-1 was placed before the Principal Secretary, Department of Finance, Government of Odisha, Bhubaneswar-Opposite Party No.1 on 10.10.2021. Mr. Rath, learned counsel for the petitioner submits that the appeal is pending before the said Opposite Party for consideration and the said authority has not taken any decision as of now and that a direction be issued to consider the appeal within a stipulated period of time after providing opportunity of personal hearing to the petitioner. It is also submitted by learned counsel for the petitioner that the appellate authority has also power to grant interim order in appropriate cases.

5. Learned counsel appearing for the State submits that since the entire dispute is pending before the appellate authority i.e. the Principal Secretary, Department of Finance, Government of Odisha, Bhubaneswar-Opposite Party No.1, it would be appropriate and the best interest of justice that the said authority be allowed to take a decision on the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Learned counsel for the State submits that he has no objection, if a direction is given to the Opposite Party No.1 to take a decision in the matter by affording an opportunity of personal hearing to the petitioner within a stipulated period of time.

7. Considering the rival contentions raised by the respective parties, the limited nature of grievance involved in the present writ petition and keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission, without expressing any opinion on the merits of the case, with a direction to the Principal Secretary, Department of Finance, Government of

Odisha, Bhubaneswar-Opposite Party No.1 to consider the appeal of the petitioner dated 10.10.2021 under Annexure-10 after affording an opportunity of personal hearing to the petitioner in accordance with law within a period of three months from the date of production of certified copy of this order. It is further made clear that it is open for the petitioner to file I.A. seeking interim relief before the appellate authority and in the event such an I.A. is filed by the petitioner, the same shall be considered by the appellate authority on its own merit.

8. Further it is directed that the authority shall consider the appeal along with I.A. within the aforesaid stipulated time and the same shall be disposed of by passing a speaking and reasoned order. The decision so taken on the appeal shall be communicated to the petitioner within a period of ten days thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge