

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11147 of 2020

Hrusikesh Patnaik and others ***Petitioners***
Mr. Goutam Tripathy, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
04.04.2022

Order No.

04. 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 present writ petition has been filed with the following relief:
- “(i) to quash the order dated 29.08.2018 under Annexure-7 rejecting the proposal of the Administrative Department by the Finance Department without assigning any reason.
- (ii) Direct/order that the services of the petitioners shall be integrated into the Directorate of Veterinary Services and they shall be declared as Govt. Servants.
- (iii) Direct/order that the petitioners shall be allowed post retirement benefits such as pension, gratuity etc. equal to employees of State Govt. of Odisha.
- (iv) Pass such other orders/directions as the Hon’ble Court may deem fit and proper in the interest of justice.

4. Perusal of the impugned order reveals that the Authority, i.e. Joint Secretary to Govt. of Odisha in Fisheries & ARD Department has not given any reason whatsoever as to why the proposal of integration of the SPCA Inspector and other staff of SPCA in the Directorate of AH & VS, Odisha has been rejected. By this now, the proposition of law taking a decision for delivery of natural justice and giving reason in support of their decision, the order under Annexure-7 dated 29.8.2018 shall not stand, the same is lacking for the reason as stated herein above.

5. Learned counsel for the State also agrees that the order under Annexure-7 is not supported by any reason.

6. Considering the aforesaid aspect and considering the fact that the impugned order dated 29.8.2018 (Annexure-7) passed by the Joint Secretary to Govt., Fisheries and ARD Department, Govt. of Odisha, is not supported by any reason whatsoever. In such view of the matter, the order dated 29.08.2018 is not sustainable in law and the same is hereby set aside. The matter is again remanded to the Authority, i.e. Opposite Party No.1 to consider the case of the Petitioner afresh considering the recommendation under Annexure-6 strictly in accordance with law within a period of two months from the date of commutation of certified copy of this order. Further it is directed that opposite party no.1 while considering the case of the Petitioner shall take into consider the judgment of this Court in the case of *State of Orissa and another vs. Orissa Khadi & Village Industries Board Karmachari Santha and another*, reported in *2013 (1) ILR – CUT -832*, copy of which shall be provided by the Petitioner to the Opposite Party No.1 along with certified copy of this order.

7. With the above direction, the Writ Petition stands disposed of.
8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

