

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9850 of 2022

Sanjay Kumar Pradhan

....

Petitioner

Ms. Saswati Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C

*Mr. B. Sahoo, Advocate for O.P. Nos.2
and 3.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.07.2022

I.A. No.8285 of 2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the Opposite Party Nos.2 and 3 and learned Additional Standing Counsel for the State. Perused the records.
 3. This is an application for modification of order dated 20.04.2022 passed in W.P.(C) No.9850 of 2022.
 4. While disposing of the writ petition at the stage of admission this Court granted liberty to the Opposite Party Nos.2 and 3 to seek variation and modification of the order in the event it is submitted that the petitioner has suppressed material information while passing order dated 20.04.2022.
 5. It is submitted by Mr. Sahoo, leaned counsel for the Opposite Party Nos.2 and 3 that the request of the petitioner, the Odisha State Poultry Product Co-operative Marketing Federation Limited engaged

the petitioner on contractual basis. Further, it is stated by learned counsel for the Opposite Party Nos.2 and 3 that notification under Annexure-A/2 i.e. Gazette Notification, G.A. Department dated 12th November 2013 is not applicable to the Opposite Party Cooperative Society. It is further contended by Mr. Sahoo, learned counsel for the Opposite Party Nos.2 and 3 that the petitioner is not a selected candidate. On such, the grounds the Opposite Party Nos.2 and 3 have prayed for modification of order dated 20.04.2022.

6. Ms. Mohapatra, learned counsel for the petitioner submits that the order dated 11.04.2022 passed by the Managing Director of the Odisha State Poultry Product Co-operative Marketing Federation Limited under Annexure-6 has been challenged in the above noted writ petition. Further, she submits that at the stage of admission, this Court upon examination of the record and particularly upon careful scrutiny of the impugned order dated 11.04.2022 was placed to dispose of the writ petition by setting aside the impugned order under Annexure-6. Moreover, order dated 20.04.2022 reveals that this Court while disposing of the writ petition has not only set aside the order under Annexure-6, but also directed the authority to pass orders in accordance with law by affording an opportunity of hearing to the petitioner by following the principles of natural justice.

7. On careful consideration of materials available on record, this Court is of the considered view in the order under Annexure-6 does not reflect any grounds whatsoever, which have been taken in I.A. filed by Opposite Parties for modification/variation of the order. Therefore, this Court is of the considered view that an attempt is being made by Opposite Party Nos.2 and 3 to supplement reason in the order dated 11.04.2022, which has been passed by the Managing

Director without assigning any reason whatsoever. Further the same also does not reveal whether any opportunity was provided to the petitioner before passing the said order which definitely has civil consequences so far the present petitioner is concerned.

8. Taking into consideration all those factors, this Court disposes of the writ petition by setting aside the impugned non-speaking order dated 11.04.2022 and further by directing the authorities to pass necessary orders after complying with the requirements of principle of natural justice. Upon careful consideration of all the contentions raised by Opposite Party Nos.2 and 3, this Court is of the considered view that the order dated 20.04.2022 is an illegal and arbitrary order passed by the Opposite Party Nos.2 and 3 and further learned counsel for the Opposite Party Nos.2 and 3 is unable to demonstrate clearly as to whether any suppression of material facts has been done by the petitioner before this Court while this Court passed order dated 20.04.2022.

9. Considering the aforesaid submission and upon careful examination of the record as well as the impugned order, this Court is of the considered view that the order dated 20.04.2022 needs no interference by this Court at this stage. Further, the authorities are directed to carry out the direction given by this Court by order dated 20.04.2022.

10. With the aforesaid observation, the I.A. is disposed of.

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

(A.K. Mohapatra)
Judge