

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11582 of 2022

Jitendra Kumar Sahu

....

Petitioner

Mr.Gyanaranjan Sethi,Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present writ application has been filed by the Petitioner with the following prayer:

“ It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs:

- i) To quash the order dated 06.09.2019 under Annexure-2.
- ii) To quash the order dated 29.04.2020 under Annexure-4.
- iii) To quash the order dated 18.01.2022 under Annexure-7.
- iv) To direct the opposite parties to promote the petitioner to the rank of DSP from the date of when juniors have got promotion.
- v) To direct the Opp.Parties to grant all financial service and consequential benefits flowing from the date of promotion.

And pass such other order/orders as may be deemed fit and proper for the interest of justice.

4. It is submitted by the learned counsel for the Petitioner that after rejection of his representation by the Director General of Police, the Petitioner approached the Government under Annexure-5 by filing a memorial petition before the Principal Secretary to Home Department on 01.08.2020. On perusal of the said memorial petition, it is seen that the Petitioner has taken many grounds in support of his claim. However, the Petitioner has received a communication from the Under Secretary to Government, Home Department wherein the representation/memorial of the Petitioner has been rejected by the Government in a few lines stating that the representation dated 01.08.2020 addressed to the Additional Chief Secretary, Home Department for expunction of adverse remarks recorded in PAR for the year 2016-17 is hereby rejected. Learned counsel for the Petitioner submits that no reason whatsoever has been ascribed by the Opposite Party no.1 while rejecting the representation of the Petitioner. It is further submitted by the learned counsel for the petitioner that the reasons assigned in the order be administrative or judicial. Therefore while taking any decision, the authorities are bound to give reasons for such decision..

5. Learned Additional Standing Counsel on the other hand submits that while passing the order under Annexure-7 dated 18.01.2022 the Opposite Party no.1 has taken into consideration the entire materials placed on records. However, he agrees that the same has not been reflected in the impugned order.

6. Considering the aforesaid facts and circumstances and upon perusal of the impugned order under Annexure-7 this Court is of the considered view that the Opposite Parties should have assigned reason for rejection of the representation of the Petitioner. However,

on scrutiny, it is seen that the same is lacking, this Court deems it proper to set aside the impugned order dated 18.01.2022 under Annexure-7 and accordingly the same is set aside and the matter is remanded back to Opposite Party No.1 to consider the matter afresh and dispose of the same by passing a reasoned order. The decision so taken be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

RKS

