

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15709 of 2022

Ramakanta Sahu

.... ***Petitioner***
Mr. A.K. Das, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.06.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Government Advocate.
3. The present writ application has been filed with the following prayer:
- “The Petitioners, therefore, pray that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/mandamus and/or any other further writ/direction and set aside the order of refund dated 17.06.2022 passed by the B.D.O., Th. Rampur under Annexue-7 and restore the pay fixation of Petitioners as per Annexure-5.”
4. It is submitted by the learned counsel for the Petitioners that the Petitioners were extended with MACP by order dated 24.02.2021 by the Collector, Kalahandi. However, by order No.1568 dated 17.06.2022 by a cryptic and non-speaking order dated 24.02.2021

has been refund without assigning any reason whatsoever. It is submitted by the learned counsel for the Petitioners that before refund of the order dated 17.06.2021 no opportunity of hearing was provided to the Petitioners. He further submits that no reason whatsoever has been given by the B.D.O. by refund the order. This according to the learned counsel for the Petitioners, is absolutely arbitrary and misuse of power vested with the B.D.O., Th. Rampur.

5. Learned Additional Government Advocate on the other hand submits that in fact the impugned order dated 17.06.2022 does not disclose any reason as to why the order dated 24.02.2021 has been refund.

6. Considering the submissions made by the respective parties this Court is of the considered view that the exercise of power by the B.D.O., Th. Rampur in passing order dated 17.06.2022 is absolutely arbitrary and not sustainable in the eye of law. In such view of the matter the order under Annexure-7 dated 17.06.2022 is hereby quashed and the matter is remanded back to the Collector, Kalahandi to consider afresh and take a decision after providing opportunity of hearing to the affected parties.

7. This Court has not expressed any opinion on the merits of the case.

8. With the aforesaid observation, the writ application is disposed of.

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

(A.K. Mohapatra)
Judge