

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.26686 of 2017

Ramesh Chandra Kar

.....

Petitioner

Mr. S. Patra-1, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

25.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. patra-1, learned counsel appearing for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the letter dated 26.09.2017 under Annexure-5 issued by the Registrar, Civil Courts, Khurda at Bhubaneswar rejecting the claim of the petitioner for officiating pay for holding the higher post for the period from 02.04.2013 to 31.07.2016.

4. Mr. S. patra-1, learned counsel appearing for the petitioner contended that the petitioner was officiating the

higher post from 02.04.2013 to 31.07.2016, but he has not been paid the officiating allowance. It is further contended that the petitioner had also made grievance before the learned District Judge, Khurda vide Annexure-4, but the same was rejected by passing a cryptic order under Annexure-5 dated 26.09.2017 without assigning any reason. Therefore, the petitioner has approached this Court by filing this writ petition.

5. Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-opposite parties contended that since the representation filed by the petitioner has been rejected vide Annexure-5 dated 26.09.2017 without assigning any reason, the matter requires consideration.

6. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that the learned District Judge, Khurda has passed the order dated 26.09.2017 without application of mind and without assigning any reason and without passing a speaking order has rejected the claim of the petitioner for officiating allowance for holding the higher post for the period from 02.04.2013 to 31.07.2016. Therefore, this Court is of the considered view that the authority should have passed the reasoned order.

7. Reasons being a necessary concomitant to passing an order, the authority can thus discharge its duty in a meaningful manner either by furnishing the same expressly or by

necessary reference to those given by the original authority.

In *Union of India v. Mohan Lal Capoor*, AIR 1974 SC 87, it has been held that reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject-matter for a decision whether it is purely administrative or quasi-judicial and reveal a rational nexus between the facts considered and conclusions reached. The reasons assure an inbuilt support to the conclusion and decision reached. Recording of reasons is also an assurance that the authority concerned applied its mind to the facts on record. It is vital for the purpose of showing a person that he is receiving justice.

Similar view has also been taken in *Uma Charan v. State of Madhya Pradesh*, AIR 1981 SC 1915, *Patitapaban Pala v. Orissa Forest Development Corporation Ltd. & another*, 2017 (I) OLR 5 and in *Banambar Parida v. Orissa Forest Development Corporation Limited*, 2017 (I) OLR 625.

8. Therefore, the order dated 26.09.2017 under Annexure-5 passed by the authority cannot sustain in the eye of law and the same is hereby quashed. The matter is remitted to the learned District Judge, Khurda for fresh adjudication by passing a reasoned and speaking order in accordance with law as expeditiously as possible preferably within a period of three months. Needless to say, while passing the order, learned District Judge, Khurda shall take into consideration the

judgments of the apex Court in *Selva Raj v. Lt. Governor of Island, Port Blair*, AIR 1999 SC 838 and *The State of Punjab v. Dharam Pal*, 2017(II) ILR-CUT-728(SC) and the judgment of this Court in *Dillip Kumar Sahoo v. State of Orissa*, 2008 (I) OLR 162.

(DR. B.R. SARANGI)
JUDGE

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(B. P. SATAPATHY)
JUDGE

