

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAS) No.12 of 2018

Sunita Sahu

....

Petitioner

-versus-

**Principal Secy., to Govt. of
Odisha & Others**

....

Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
09.09.2022**

Order No

- 3.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. S. Behera, learned counsel for Petitioner and Mr. R.N.Mishra, learned Addl. Government Advocate for the State.
- 3.** The Petitioner has filed the present Writ Petition challenging the order dated 10.02.2012 passed by the Deputy Director of Agriculture, Sambalpur-Opposite Party No.3 under Annexure-3 and the order dated 14.11.2017 under Annexure-10, whereby the Petitioner was terminated from his service w.e.f. 04.02.2012.
- 4.** Mr. Behera, learned counsel for the Petitioner submitted that the Petitioner was duly appointed as Lady Village Agricultural Worker vide order dated 27.12.2008 under Annexure-1.
- 5.** Mr.Behera, learned counsel for the Petitioner further submitted that while continuing as such, the Petitioner when was implicated in a Vigilance Case in Samabalpur G.R. Case No.6/2012 corresponding to Sambalpur Vigilance P.S. Case No.08 of 2012, she was terminated vide impugned order dated 10.02.2022.

6. It is submitted that since the Petitioner was appointed on contractual basis in view of the 2013 Rules, the provision of OCS (CCA) Rules, 1962 is applicable to her case.

7. Therefore, prior to passing of the impugned order of termination, the Opposite Party No.3 should have followed the provision of OCS (CCA) Rules, 1962.

8. Mr. Behera, learned counsel for the Petitioner also submitted that the Petitioner in the meantime was duly acquitted in the said vigilance proceeding by the learned Special Judge, Vigilance, Sambalpur vide judgment dated 13.02.2017.

9. Since the Petitioner was terminated because of her implication in the vigilance case, this Court finds that the order of termination passed by the Opposite Party No.3 is not legal and justified. Not only that prior to passing of such order of termination, the Petitioner was never show caused nor any opportunity of hearing was given to her.

10. It is submitted that after her acquittal in the vigilance case, the Petitioner when approached the Opposite Party No.3 seeking her reinstatement that was not considered and rejected vide order dated 14.11.2017 under Annexure-10.

11. Hence, this Court while quashing the said order dated 10.02.2012 as well as order dated 14.11.2017 under Annexure-10 directs the Opposite Party No.3 to reinstate the Petitioner forthwith. The order of reinstatement shall be issued in her favour within a period of one month from the date of receipt of this order.

12. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge