

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC (OAC) No.149 of 2018

Ranjan Pattnaik

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.9.2022

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.K. Sahu, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A
3. The present writ petition has been filed by the petitioner with the following relief.

Set aside the order dated 7.10.2017 under Annexure-5 passed by opp. party No.1 being illegal, arbitrary and without application of judicial mind.

Exonerate the present applicant from all the charges.

4. It is submitted that challenging the order of punishment passed by the D.G & I.G of Police under Annexure-4, the petitioner preferred an appeal against the same before Opp. Party No.1. It is submitted that the appellate authority without assigning any reason whatsoever and without considering the grounds taken in the memo of appeal passed the impugned order on 7.10.2017 under Annexure-5 by confirming the order of punishment so imposed against the petitioner. Hence, it is

submitted that no reason whatsoever has been assigned, the said order needs interference of this Court. In spite of several opportunities granted to the State-Opp. Parties more particularly the order passed on 26.11.2021 wherein he was allowed to file counter peremptorily by 4.12.2021, no counter affidavit has been filed.

5. Having heard learned counsel for the parties and after going through the materials available on record, this Court finds that the appellate authority in the impugned order dated 7.10.2017 has not assigned any reason while rejecting the appeal filed by the petitioner. Since no reason has been assigned by the said authority-Opp. Party No.1, this Court is inclined to quash the said order on that ground only. While quashing the same, this Court directs Opp. party No.1 to take up the appeal so filed by the petitioner and pass fresh order within a period of three months from the date of receipt of this order. Since it is submitted that the petitioner in the meantime has retired from service, opp. party no.1 is also directed to give a personal hearing to the petitioner and allow him to file any further documents in support of his stand.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sangita