

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1034 of 2018

Jabed Iqbal Khan

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.09.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. Rout, learned counsel for the Petitioner and Mr. M. Balabantaray, learned Standing Counsel.
- 3.** The petitioner has been filed challenging the office order dated 20.3.2018 passed by the Collector-cum-D.P.C MGNREGA, Kalahandi under Anneuxre-7. It is submitted that the petitioner while working as an Additional Programme Officer in Kalampur block pursuant to the order issued under Annexure-1, he was issued with the show cause by opp. party No.3 under Annexure-5. It is submitted that the petitioner on receipt of the said show-cause made his reply under Annexure-6. Mr. Rout, learned Counsel for the petitioner submitted that without considering his reply in its proper perspective, Opp. party No.2 passed the impugned order of disengagement on 20.3.2018 under Annexure-7. Mr. Rout further submitted that while taking such a decision, Opp. party No.2 though relied

on the report submitted by the Project Director, DRDA, Kalahandi as well as B.D.O, Kalampur, but those reports were never provided to the petitioner and thereby could not get opportunity to have his say on the same.

4. Even though notice of the writ petition was issued vide order dated 23.4.2018, but no counter affidavit has been filed.

5. In view of the submission made by Mr. Rout, learned counsel for the petitioner, this Court is of the view that prior to taking a final decision, opp. party No.2 should have provided the report of the Project Director, DRDA as well as the BDO, Kalampur which was relied on by the Collector while taking the decision and passing the impugned order under Annexure-7.

6. In view of such admitted irregularity, this Court is constrained to quash the said order dated 20.3.2018 and remit the matter to Opp. Party No.2 to take a fresh decision in the matter. It is observed that prior to taking a fresh decision in the matter, the report of the Project Director, DRDA and BDO, Kalampur as reflected in Annexure-7 be provided to the petitioner and after giving a personal hearing to the petitioner, the matter be decided afresh. The fresh exercise shall be completed within a period of four months from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

sangita

