

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 3340 of 2018

Ekram Khan

.....

Petitioner

Mr. P. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. N. Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.09.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. P. Mohapatra, learned counsel for the petitioner and Mr. N. Rath, learned Additional Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 22.02.2018 under Annexure-10 passed by the Rent Officer, GA& PG (Rent) Department, Government of Odisha, wherein no reasons has been assigned while rejecting the claim of the petitioner and a bald statement has been made that the claim for withdrawal of penal licence fee charged against the petitioner-retired driver, office of the Presiding Officer, Industrial Tribunal, Bhubaneswar in respect of Government quarters No. 6/2, Type-F, Chandrasekharapur, Bhubaneswar has been rejected.

4. On perusal of the order itself indicates that no reasons has been assigned as to why such proposal was rejected, when the petitioner makes claim to get such benefit.

5. Reasons being a necessary concomitant to passing an order, the appellate 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 8 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.

6. In view above, the order so passed by the Under Secretary to Government under Annexure-10 cannot sustain in the eye of law and accordingly the same is hereby quashed and the matter is remitted back to the Opposite Party No.4 to re-consider the same and pass the reasoned order in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of communication of the order.

7. The writ petition is accordingly is disposed of.

Arun

(DR. B.R. SARANGI, J.)

