

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27939 of 2022

Barini Das

.... ***Petitioner***
Mr.G.R.Sethi, Advocate

-versus-

State of Odisha & others

.... ***Opposite Parties***
Mr. P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.11.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The present writ application has been filed challenging both of punishment order dated 04.05.2021 under Annexure-6 and order dated 23.05.2022 under Annexure-8 passed by the Disciplinary Authority and the Appellate Authority respectively.
4. It is submitted by the learned counsel for the Petitioner that being aggrieved by the order passed by the Disciplinary authority, the Petitioner preferred an appeal before the Principal Secretary to Government Home Department, Bhubaneswar. On perusal of the appeal memo which has been filed as Annexure-7, the Petitioner has taken various grounds while assailing the order of the Disciplinary Authority. However, under Annexure-8 vide letter dated 23.05.2022 the Petitioner has been informed by the Under Secretary to Government that the Government has been pleased to reject the

appeal preferred by the Petitioner for quashing the punishment of one Black Mark awarded to him in Kendrapara District Proceeding No.06 of 2017 being devoid of merit.

5. Learned counsel for the Petitioner submits that apart from the order under Annexure-8 no other order has been communicated to him giving reasons. On perusal of the letter under Annexue-8 this Court is not satisfied with the manner and mode in which the appeal proceeding has been disposed of by the State Government. However, this Court observes that in the event the communication under Annexue-8 is only the communication of the decision of the State Government and there is an appeal order by the appellate authority then the same be communicated to the Petitioner. In the event there is no communication except the communication under Annexure-8 the same is hereby set aside and the matter is remanded back to the appellate authority and pass a reasoned and speaking order on the same by the appellate authority.

6. It is further directed that the Petitioner shall approach the appellate authority within a period of two weeks along with certified copy of this order and on his appearance the authority shall comply with the aforesaid direction within a period of four weeks thereafter. .

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.