

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1983 of 2015

Dhiren Kumar Panda

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.08.2022

Order No

5.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Rath, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A

3. The Petitioner is aggrieved by the office order dated 12.6.2015 passed by the Collector, under Annexure-1. By virtue of the said order, the petitioner has been disengaged from his service while continuing as a Data Entry Operator in the office of Opp. party No.5. It is submitted that when the petitioner was issued with a show cause by the Collector, Ganjam, the petitioner has challenged the same before the learned Tribunal in O.A. NO.25(C) of 2015. Learned Tribunal when disposing the matter vide order dated 6.1.2015 under Annexure-8 directed the Collector to take a decision on the matter and while taking such a decision, the report of the Tahasildar dated 18.11.2014 is to be taken into consideration. It is submitted by Mr. Rath, learned counsel for the petitioner that the Collector, while passing the impugned order on 12.6.2015 has not at all taken into consideration the said report.

4. This Court after going through the impugned order also finds that the report submitted by the Tahasildar on 18.11.2014 under Annexure-5 series has not been taken into consideration by the Collector. The Tahasildar, Aska in para 12 of the report has submitted as follows.

12. Sri Dhiren Kumar Panda, DEO neither prepare the input subsidy beneficiaries list-2013 not present in the head quarter as he was absent due to mass strike called by the Data Entry Operator's Association. Further no Date Entry Opertors are prepared the input subsidy beneficiaries list 2013."

5. Since this Court finds that the Collector while passing the impugned order has not taken into consideration the report of the Tahasildar at all, this Court while quashing the order dated 12.6.2015 directs the Collector, Ganjam to take a fresh decision in the matter. It is directed that the Collector while taking a fresh decision, shall follow the report submitted by the Tahasildar on 18.11.2014 under Annexure-5 series. Since the petitioner is continuing by virtue of the interim order, the Collector is directed to take a fresh decision taking into account the report and by giving a personal hearing to the petitioner. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

