

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C (OA) No.406 of 2014

Prasanna Kumar Senapati

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.3.2022

Order No

- 1.** 1. This matter is taken up through Hybrid Mode.
- 2.** 2. Heard Mr. A. Rath, learned counsel for the Petitioner and Mr. Praharaj, learned counsel for the State.
- 3.** 3. This Writ Petition has been filed by the Petitioner challenging the fixation of pay vide order dated 12.09.2013 under Annexure-1.
- 4.** 4. It is submitted by Mr. Rath, learned counsel for the Petitioner that prior to passing of such order on 12.09.2013, no opportunity of hearing was given to the Petitioner and no show-cause was issued to the petitioner. Accordingly he prayed for quashing of the same.
- 5.** 5. Even though learned Tribunal issued notice on 26.02.2014 and passed an interim order restraining the opposite parties from making any recovery basing on the said order dated 12.09.2013, but no counter affidavit has been filed.
- 6.** 6. Be that as it may, taking into account the submission made by Mr. Rath, that prior to issuance of the order dated 12.09.2013, no opportunity of hearing was given to the Petitioner, I deem it fit and proper to remand the matter to opposite party No.4 to take a fresh decision by giving an opportunity of hearing to the Petitioner. The entire exercise shall

be completed within a period of three months from the date of production of the certified copy of the order by the Petitioner. The Petitioner undertakes to produce the certified copy of this order within a period of fifteen days hence, failing which this order will not be taken into consideration by opposite party No.4.

7. It is further observed that till a decision is taken by opposite party No.4, no recovery can be made from the Petitioner.

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

(Biraja Prasanna Satapathy)
Judge

Subrat

