

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1684 of 2015

Suresh Nath

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

23.6.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. S.S. Mohapatra, learned counsel for the Petitioner and Mr. Balabantaray, learned counsel for the State.

3. The Petitioner is aggrieved by the order of disengagement vide order dated 22.4.2015 passed by the Medical Officer I/c, CHC, Kujang under Annexure-6. By the said order, the Petitioner was disengaged from his work. It is submitted that the petitioner was engaged as a Sweeper in the said establishment of Opp. Party No.5 on temporary basis w.e.f 1.8.2007. It is further submitted that while continuing as such, when the petitioner claimed for regular pay, the said Opp. party No.5 without issuing any notice whatsoever straightway passed the order of disengagement vide impugned order under Annexure-6. Even though notice was issued on 1.6.2015, no counter affidavit has been filed till today. But considering the materials available on record, this Court is of the opinion that Opp. Party No.5 prior to disengagement of the petitioner should have at least issued a show-cause and after considering the same, he could

have taken appropriate steps. Since principle of natural justice has not been followed in the present case, the order at Annexure-6 is hereby quashed and Opp. Party No.5 is directed to re-consider the matter 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 the order. It is however observed that the Court has expressed no opinion on the claim of the Petitioner.

4. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge



sangita