

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3647 of 2015

Udyanath Dehury

.....

Petitioner

Mr. D.P. Dhalasamanta, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

02.12.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. D.P. Dhalasamanta, learned counsel for the petitioner and Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-Opposite Parties.

3. In compliance of the order dated 13.07.2022, an affidavit has been filed by the opposite parties incorporating the letter dated 23.07.2022 issued by the D.I.G. of Police, NCR, Talcher, by which it has been stated that no appeal has been received by the Range Office from the Ex-Constable Udayanath Dehury of Angul district regarding dismissal and discharge from service by the Superintendent of Police, Angul.

4. Mr. D.P. Dhalasamanta, learned counsel for the petitioner contended that the petitioner has already filed appeal before the authority, a copy of which has been placed on record as Annexure-7. But in view of the denial of the opposite parties with regard to filing of the appeal dated 21.06.2014, it is made clear that the appeal so filed by the petitioner has not been considered by the authority.

5. Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-opposite parties contended that if the authority has denied to have received any appeal filed by the petitioner and, as such, the petitioner contended that he has filed appeal on

21.06.2014 which has been annexed as Annexure-7 to the writ petition, then opportunity may be given to the opposite parties to consider Annexure-7 in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, but, however, without expressing any opinion on the merits of the case, this writ petition stands disposed of directing opposite party no.3 to consider and dispose of the appeal preferred by the petitioner, as at Annexure-7, by affording opportunity of hearing to the petitioner in compliance of the principles of natural justice and rules applicable to him. Needless to say, since the petitioner has already been dismissed from 2014 and in the meantime more than seven years have been passed, the appellate authority shall do well to dispose of the appeal as expeditiously as possible, preferably within a period of four months from the date of production of certified copy of this order.

7. Issue urgent certified copy as per rules.

Ashok

(DR. B.R. SARANGI)
JUDGE