

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.1986 of 2015

Jaya Chandra Tandy

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Petitioner

-versus-

State of Odisha & Ors.

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Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.06.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. B.B. Mohanty, learned counsel for the Petitioner and Mr. K.K. Das, learned Addl. Standing Counsel appearing for the State-Opp. Parties.

3. The Petitioner is aggrieved by the order of reversion passed on 10.06.2015 by O.P. No.1 under Annexure-4 and the consequential order passed by O.P. No. on 12.06.2015 under Annexure-5.

4. It is submitted that pursuant to the recommendation of DPC, the Petitioner was promoted to the post of Deputy Ranger vide office order dtd.15.05.2014. It is further submitted that while so continuing in promotional post and without giving any opportunity of hearing , the office order dtd.10.06.2015 was passed by reverting the Petitioner to the post of Forester.

5. Mr. Mohanty submitted that prior to issuance of such order of reversion no opportunity of hearing was given nor any show cause was ever issued by the said O.P. No. 1. It is further submitted that pursuant to the order passed by this Court on 18.06.2015 the Petitioner is continuing in the said promotional post till date. Even though notice of the matter was issued on 18.06.2015, but no counter affidavit has been filed nor any application has been filed for vacation of interim order. In absence of any counter or any application for vacation of interim order, this Court is of the opinion that prior to issuance of the office order dtd.10.06.2015 no opportunity of hearing has been given to the Petitioner. Therefore, only on the ground of non-compliance of principle of natural justice the said order dtd.10.06.2015 under Annexure-4 and subsequential order dtd.12.06.2015 under Annexure-5 are set aside.

6. While setting aside the said orders, this Court remands the matter to the O.P. No. 1 to take a fresh decision by giving a personal hearing to the Petitioner and by issuing a show cause to that effect. This Court further directs said O.P. No. 1 to take a fresh decision by complying the principle of natural justice within a further period of three (3) months from the date of receipt of this order. The Petitioner is directed to produce a copy of this order before the said Opp. Party within a period of seven (7) days hence.

7. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha