

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.3926 of 2015

Basanta Kumar Behera

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.07.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for the Parties.
- 3.** The Petitioner is aggrieved by the office order dated 17.10.2015 passed by the Opposite Party No.2-Transport Commissioner-cum-Chairman, State Transport Authority, Odisha, Cuttack under Annexure-4.
- 4.** It is submitted that in consideration of the claim raised by the Petitioner, the Petitioner was sanctioned with the leave salary as well as increments vide order dated 10.04.2015 under Annexure-3.
- 5.** It is further submitted that subsequently vide the impugned order dated 17.10.2015, the said authority while withdrawing the earlier order directed for recovery of the amount, which was paid towards leave salary.
- 6.** Mr. Sharma submitted that prior to taking such action no show cause was ever issued nor any opportunity of hearing was given to the petitioner. It is also submitted that the said order of recovery was also stayed by this Court while issuing notice of the

matter. Even though notice has been issued on 06.11.2015 but no counter affidavit has been filed.

7. Considering the submissions made by the learned counsel for the Parties, this Court finds that prior to issuance of the impugned order at Annexure-4, the Petitioner was never issued with any show-cause nor any opportunity of hearing has been given. Since the principle of natural justice has not been followed, this Court has got no hesitation in quashing the impugned order under Annexure-4 and the same is hereby quashed. The opposite party No.2 is directed to take a fresh decision in the matter by giving a personal hearing to the Petitioner.

8. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat