

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.4073 of 2015

Kedarnath Bhoi

....

Petitioner

-versus-

State of Odisha & Anr.

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.7.2022

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. Ullash Chandra Mohanty, learned counsel for the petitioner and Mr. M.K. Balabantray, learned Standing Counsel.
- 3.** The petitioner is aggrieved by the office order dated 07.10.2015 passed by the Collector, Malkangiri-Opposite Party No.2 in withdrawing the benefit allowed in favour of the petitioner vide office order dated 29.11.2013 under Annexure-3. Mr. Mohanty, learned counsel for the petitioner submitted that basing on the resolution issued by the Government and in consideration of the claim of the petitioner, the petitioner was extended with the benefit of the scale of pay as provided under Rule-74 (b) of the Orissa Service Code and Rule-13 of the Orissa Revised Scales of Pay Rules, 2008. It is submitted that without issuing any show-cause notice and without affording any opportunity of hearing, the said order was recalled by the impugned order dated 7.10.2015. Mr. Mohanty, learned counsel further

submitted that prior to passing of the impugned order, the petitioner had already passed the required Departmental examination and without considering the same, the impugned order has also been passed.

4. Be that as it may, since prior to passing of the impugned order, the petitioner was never given an opportunity of hearing which amounts to non-compliance of the principles of natural justice, this Court has no hesitation to quash the said order. While quashing the same, this Court directs Opp. Party No.2 to take a fresh decision by giving a personal hearing to the petitioner. The entire exercise shall be completed within a period of two months from the date of receipt of this order.

5. The Writ Petition is disposed of accordingly.

सत्यमेव जयते

(Biraja Prasanna Satapathy)

Judge

sangita