

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31301 of 2022

Debendra Kumar Nayak

....

Petitioner

Mr. R. Roy, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioner with a prayer to quash the letter No.4166 dated 28.09.2022 issued by the Opposite Party No.4-Block Development Officer, Bhapur Block pursuant to the order passed by the Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner while working as Additional Computer Programmer under the under Zilla Parishad, Nayagarh, Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh detected some financial irregularities. Accordingly, the order has been passed for recovery of amount from some individuals including the present Petitioner vide letter No.2928 dated 08.09.2022 under Annexure-2. It is further submitted that vide letter No.2918 dated 08.09.2022, the

Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh issued show cause notice to the Petitioner. Before the reply to be filed, Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh issued another letter No.2928 dated 08.09.2022 directing recovery of sum of Rs.6,41,060/-. Therefore, it is submitted by the learned counsel for the Petitioner that no reasonable opportunity of hearing or showing cause was given to the Petitioner. It is further submitted that in absence of relevant record, he is not in a position to file an effective reply to the show cause issued by the Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh. In the said context, the Petitioner has also approached the Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh by filing a representation under Annexure-5 Series. However, no decision has been taken on such representation as of now.

5. Learned Additional Standing Counsel appearing for the State-Opposite Parties, on the other hand, submits that since the Petitioner has approached the competent authority, i.e. Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh, a direction be issued to the Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh to take a decision on the representation of the Petitioner in accordance with law within the stipulated period of time.

6. Having heard the rival contentions raised by the learned counsel for the respective parties and upon perusal of the documents placed before this Court and also without expressing any opinion on the merit of the case, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to approach before the

Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh with a copy of this order first to provide the relevant documents basing upon which he will file his show cause within a week from today and in the event such document is provided to the Petitioner within two weeks thereafter, he will file his show cause within one week thereafter. Further, the Opposite Party No.2-Collector-cum-Chief Executive Officer, Zilla Parishad, Nayagarh is directed to take a decision on the representation of the Petitioner under Annexure-5 Series by providing an opportunity of hearing to the Petitioner and take a final decision on the same within four weeks thereafter. It is further directed that letter under Annexure-2 shall not be given effect to for a period of eight weeks from today or till a decision is taken on the representation of the Petitioner under Annexure-5 Series, whichever is earlier.

7. Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge