

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2084 of 2019

Alexis Khura

.....

Petitioner

Mr. L. Samal, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. L. Samal, learned counsel for the petitioner and learned State Counsel.

3. The petitioner has filed this writ petition seeking to quash the order under Annexure-6 passed by the Under Secretary to Government dated 12.11.2018, wherein it has stated that the proposal for enhancement of grade pay of Chemist under the Director of DWD, Odisha is rejected.

4. On perusal of the order itself indicates that no reasons has been assigned as to why such proposal was rejected, when the petitioner makes claim to get such benefit.

5. Reasons being a necessary concomitant to passing an order, the appellate authority can thus discharge its duty in a meaningful manner either by furnishing the same expressly or by necessary reference to those given by the original authority. In ***Union of India v. Mohan Lal Capoor***, AIR 1974 SC 87, it has been held that reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject-matter for a decision whether it is purely administrative or quasi-judicial and reveal a rational nexus

between the facts considered and conclusions reached. The reasons assure an inbuilt support to the conclusion and decision reached. Recording of reasons is also an assurance that the authority concerned applied its mind to the facts on record. It is vital for the purpose of showing a person that he is receiving justice.

6. In view above, the order so passed by the Under Secretary to Government under Annexure-6 cannot sustain in the eye of law and accordingly the same is hereby quashed and the matter is remitted back to the Government to re-consider the same and pass the order assigning the reasons, as expeditiously as possible, preferably within a period of three months from the date of communication of the order.

7. The writ petition is accordingly is disposed of.

Ashok

(DR. B.R. SARANGI, J.)

