

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32234 of 2022

Sukanta Chandra Mohanty *Petitioner*
Mr. S.Rath, Advocate

-versus-

State of Odisha and others *Opp. Parties*
Mr. T.K. Pattanaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.12.2022

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. Perused the writ petition as well as impugned order annexed to the writ petition.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to:

- (i) Quash the impugned order, dt. 07.02.2022 as at Annexure-3, passed by the Opp. Party No.3 rejecting the just claim of unutilized leave salary on surrender on retirement of the petitioner
- (ii) Direct/order to release 8 months unutilized leave salary on surrender thereof on retirement from service by the Petitioner Under Rule : 43 and 45 of The Staff Service Rules of the Orissa Police Co.op.

Syndicate, 1990;

- (iii) Pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice;”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 05.01.2021 under Annexure-2 before the Registrar of Co-op. Societies, Odisha, Bhubaneswar-Opposite Party No.2, the same has been rejected by the said Opposite party without considering the grievance of the petitioner.

5. Perused the writ petition as well as impugned order under Annexure-2 passed by the Registrar of Cooperative Societies, Odisha, Bhubaneswar dated 07.02.2022. On careful reading of the impugned order, this Court found that there are seven paragraph. Paragraphs 1 to 4 contain facts containing, paragraph-6 and contentions of the respondent noted in paragraph-7 is quoted herein below:-

“7. The petitioner could not prove his claim beyond all reasonable doubts, which concrete evidence/ground. Hence his claim could not be considered. Accordingly, the representation of the petitioner is disposed of.”

6. Having heard learned counsel for the petitioner, considering the materials available on record, this Court is of the considered view that no reason whatsoever has been given while arriving at the conclusion at paragraph-7 of the order dated 07.02.2022 passed by

the Registrar of Cooperative Societies, Odisha, Bhubaneswar.

6. In such view of the matter, the order dated 07.02.2022 passed by the Registrar, Cooperative Societies, Odisha, Bhubaneswar is illegal, unsustainable, this Court sets aside the same and the matter is remanded back to the Registrar, Cooperative Societies, Odisha, Bhubaneswar-Opposite Party No.2 and directs to consider the matter fresh and dispose of the same by in accordance with law within a period of six weeks from the date of production of certified copy of this order by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. It is further directed that the Registrar of Cooperative Societies, Odisha, Bhubaneswar-Opposite Party No.2 while considering the representation of the petitioner, said opposite party shall do well to follow the rule appended in the writ petition.

8. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge