



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14646 of 2020

Sujit Kumar Nayak

....

Petitioner

Mr. B. S. Tripathy, Senior Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. S. Panda, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.04.2026

Order No.

06.

1. Heard Mr. Tripathy, learned Senior Advocate for the petitioner and Mr. Panda, learned ASC for the State.

2. Instant writ petition is filed by the petitioner assailing the impugned decision and order dated 19th June, 2020 as at Annexure-6 on the grounds stated and further to direct the opposite parties and in particular, opposite party No.4 to allow him to perform his duty after quashment of the order with any such directions issued as deemed just and proper in the facts and circumstances of the case.

3. Mr. Tripathy, learned Senior Advocate appearing for the petitioner would submit that the petitioner joined as a Data Entry Operator-cum-Assistant on contractual basis vide Annexure-1 series and thereafter, removed from service with the order of disengagement as per Annexure-6 without any show cause notice issued with a reply and response received from him. It is



submitted that the principles of natural justice have not been followed in the case of the petitioner and therefore, the order of termination dated 19th June, 2020 vide Annexure-6 is per se illegal and hence, liable to be interfered with and quashed.

4. On the contrary, Mr. Panda, learned ASC for the State referring to the counter affidavit would submit that serious irregularities were committed by the petitioner and hence, the action was followed. It is further submitted that in view of the terms of the service of the petitioner as per Annexure-1 series, action was followed with his disengagement on proof of such irregularities and therefore, the impugned order i.e. Annexure-6 is perfectly justified and in accordance with law.

5. In course of hearing, Mr. Tripathy, learned Senior Advocate for the petitioner cited the following decisions, such as, **Director General of Police and others Vrs. Mrityunjoy Sarkar and others AIR 1997 Supreme Court 249**; **State of Orissa Vrs. Dr. (Miss) Binapani Dei and others AIR 1967 SC 1269**; **U.P. State Road Transport Corporation and others Vrs. Brijesh Kumar and another 2024 INSC 638**; **Bichitrananda Barik Vrs. State of Odisha and others** of this Court in W.P.(C) No.10146 of 2018 dated 21st February, 2023; **Sunita Sahu Vrs. Principal Secy., to Govt. of Odisha and others** in W.P.(C) (OAS) No.12 of 2018 dated 9th September, 2022 and finally, **State of Odisha and another Vrs. Sunita Sahu** in WA No.677 of 2023 dated 18th March, 2025 to submit



that even in a case of a contractual employee, the principles of natural justice are to be adhered to.

6. In **Brijesh Kumar** (supra), the Apex Court held and observed as to following extracted herein below:

“19. The services of the respondent have been determined solely on the ground of misconduct as alleged but without holding any regular inquiry or affording any opportunity of hearing to him. The termination order has been passed on the basis of some report which probably was not even supplied to the respondent. No show cause notice appears to have been issued to the respondent. Therefore, the order of termination of his services, even if on contractual basis, has been passed on account of alleged misconduct without following the Principles of Natural Justice. The termination order is apparently stigmatic in nature which could not have been passed without following the Principles of Natural Justice.

20. In the light of the above facts and discussion, we are of the opinion that the order dated 30.01.2016 terminating the services of the respondent is bad in law and cannot be sustained. It has rightly been set aside though on a different ground that the respondent is a permanent employee having been appointed on compassionate basis. The appointment of the respondent, in fact, is a contractual appointment entitling him to continue as such in service and to claim regularization if so advised in accordance with law.”

In the above decision, the order of termination service was set aside even on account of misconduct for having



not followed the principles of natural justice even though engagement was on contractual basis.

7. This Court in **Bichitrananda Barik** (supra) concluded that the argument that there is no need for compliance of the rules of procedure before disengagement of a contractual employee is unacceptable since the settled position of the law is that even in respect of any such employee, principles of natural justice are to be observed. The decision in **Sunita Sahu** (supra) of this Court on similar ground related to termination of service of a contractual employee was upheld by Division Bench in WA No.677 of 2023. In response to the above, Mr. Panda, learned ASC for the State would submit that in view of the undertaking furnished by the petitioner as per Annexure-B/4 to the counter affidavit, the order of termination is according to law. It is submitted that the petitioner was liable to termination at any time in case of misconduct proved. But considering the case laws cited above, the Court is inclined to hold that the petitioner even though a contractual employee was entitled to a show cause notice. The grounds upon which the petitioner had been removed from service as made to reveal from the counter affidavit filed through opposite party No.4 cannot justify the action of removal in view of the settled position of law discussed herein above. In other words, the impugned decision of opposite party No.4 vide Annexure-6 cannot be held as lawful for the reason that the petitioner was not allowed to respond on the alleged irregularities with a show cause notice and in absence of



principles of natural justice not being followed before such disengagement. In view of the position of law discussed earlier, the Court is of the ultimate view that the impugned order vide Annexure-6 cannot be justified. As a necessary corollary, it is to be held that the petitioner is entitled to a hearing with the show cause notice issued to him for a reply and response to the irregularities alleged against him by opposite party No.4.

8. Accordingly, it is ordered.

9. In the result, the writ petition stands allowed as a logical sequitur, the impugned order dated 19th June, 2020 as per Annexure-6 is hereby quashed with a direction to opposite party No.4 to call upon the petitioner to submit the show cause with a notice served on him and thereafter, to proceed to consider the same and to take a decision thereon in accordance with law concluding the exercise at the earliest preferably within a period of eight weeks from the date of receipt of copy of this order. Until such decision arrived at by opposite party No.4, it is further directed that the petitioner shall be reinstated in the establishment of opposite party No.5. It is made clear that such reinstatement is only for a purpose and for enabling the petitioner to file a reply and to respond to the misconduct alleged against him by opposite party No.4.

10.

Urgent copy of this order be issued as per rules.

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 22-Apr-2026 18:21:00
Rojina



(R.K. Pattanaik)
Judge