



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.28264 of 2022

Satyanarayan Routh

Petitioner

Mr. N. Panda, Adv.

-versus-

State of Odisha & Others

Opp. Parties

Mr. C.K. Pradhan, AGA

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.08.2025

Order No.

- 6.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia challenging order dt.09.12.2016 so passed by Opp. Party No.2 under Annexure-2. Vide the said order, appeal filed by the Petitioner against the order of termination dt.01.09.2016 so passed by Opp. Party No.4 was rejected.
4. It is contended that even though Petitioner preferred an appeal against the order of termination under Annexure-7, but the same when was not registered nor taken up by the appellate authority- Opp. Party No.2, Petitioner approached this Court in WP (C) No.5246 of 2020.



4.1 This Court vide order dt.17.02.2020 under Annexure-10 while disposing the Writ Petition directed the appellate authority to register the appeal and dispose of the same after giving due opportunity of hearing to the Petitioner order dt.17.02.2020 reads as follows:

Heard submissions of learned counsel for the respective parties.

Considering the serious allegation of the petitioner that in spite of an appeal being filed against the order of termination of service passed by the Executive Engineer, RWS and S Division, Bhadrak, vide Annexure-6 series, the same has not been registered even as of now and on the other hand, opposite party has issued demand vide Annexure-7 for refund of salary after termination of service due disbursed superannuation. to

Considering the limited request involved and as petitioner's appeal is pending for consideration at Page-20 of the brief, this Court directs the Appellate Authority to register the appeal at Annexure-6 series forthwith and disposed of the appeal after giving opportunity of hearing to the petitioner. The entire exercise shall be completed within a period of three months from the date of communication of a certified copy of the order along with a copy of the writ petition.

Till a decision is taken by the Appellate Authority, the demand raised under Annexure-7 shall be suspended.

With the above observation, the writ petition stands disposed of.

4.2. It is contended that on the face of such order, the appeal was never registered nor taken up and



instead order dt.09.12.2016 was provided to the Petitioner showing disposal of the appeal. It is contended that disposal of the appeal vide order dt.09.12.2016 under Annexure-2, was never produced before this Court and accordingly this Court vide order dt.17.02.2020 under Annexure-10, directed the appellate authority to register the appeal and decide the same by giving opportunity of hearing to the Petitioner. On the face of such order, the appeal could not have been disposed of vide order dt.09.12.2016 under Annexure-2.

4.2. It is also contended that order dt.09.12.2016 under Annexure-2 has also been passed without providing opportunity of hearing to the present Petitioner and the same is also apparent on the face of the order. Not only that order dt.09.12.2016 is also a non-speaking one. It is accordingly contended that the appellate authority-Opp. Party No.2 be directed to re-hear the appeal so filed by the Petitioner under Annexure-7 in terms of the order passed by this Court on 17.02.2020 in WP(C) No.5246 of 2020, with quashing of order dt.09.12.2016.

5. Learned Addl. Govt. Advocate on the other hand contended that the appeal preferred by the Petitioner against the order of termination though was rejected vide order dt.09.12.2016, but without disclosing the same, Petitioner approached this Court by filing



W.P.(C) No.5246 of 2020. This Court basing on the available materials, directed the Appellate authority to register the appeal and dispose of the same in accordance with law by giving opportunity of hearing to the Petitioner. Since by the time, the earlier Writ Petition was disposed of on 17.02.2020, the appeal had already been disposed of vide order dt.09.12.2016 under Annexure-2, the appeal was not required to be heard by the Appellate authority-Opp. Party No.2.

6. Having heard learned counsel for the parties, considering the submission made, this Court finds that against the order of termination passed by Opp. Party No.4 on 01.09.2016, Petitioner filed an appeal before Opp. Party No.2 under Annexure-7. When the same was neither registered nor disposed of, Petitioner approached this Court by filing W.P.(C) No.5246 of 2020.

6.1. This Court vide order dt.17.02.2020 directed the appellate authority-Opp. Party No.2 to register the appeal and decide the same by giving opportunity of hearing to the Petitioner. Order dt.09.12.2016 which has been passed by the Appellate authority, was never brought to the notice of this Court when this Court passed the order on 17.02.2020 in WP(C)No.5246 of 2020.

6.2. This Court after going through the order dt.09.12.2016 also finds that Petitioner has not been



given an opportunity of hearing and the same is also apparent on the face of the order. Order dt.09.12.2012 as per the considered view of this Court is also a non-speaking one.

6.3. Since without giving opportunity of hearing to the Petitioner and without assigning sufficient reason, the appeal has been rejected vide order dt.09.12.2016 under Annexure-2, this Court is inclined to quash the said order. While quashing the said order, this Court directs Opp. Party No.2 to register the appeal so filed by the Petitioner under Annexure-7 and dispose of the same in the light of the order dt.17.02.2020 passed in W.P.(C) No.5246 of 2020.

6.4. Petitioner is permitted to provide a copy of this order along with the appeal petition available under Annexure-7 before Opp. Party No.2 for compliance. Opp. Party No.2 is directed to dispose of the appeal within a period of three(3) months from the date of receipt of this order by giving opportunity of hearing to the Petitioner.

6.5. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 01-Sep-2025 12:25:19

