



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37692 of 2020

Bindu Raj

....

Petitioner

Mr. K.K. Swain, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Ms. B.K. Sahu, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

20.03.2026

Order No.

05.

1. Heard Mr. Swain, learned counsel for the petitioner and Ms. Sahu, learned AGA for the State.

2. Instant writ petition is filed by the petitioner challenging the impugned decision by order dated 3rd December, 2020 of opposite party No.3 under Annexure-8 and for a direction to treat her as a regular employee w.e.f. 20th July, 2004 in view of the order dated 29th December, 2018 under Annexure-7 and to consider grant of consequential service and financial benefits as admissible to her on the ground stated.

3. As no counter affidavit is filed till date, the matter is taken up for hearing and final disposal with the consent of learned counsels for both the sides.

4. As pleaded on record, the petitioner was appointed as a Pharmacist on contractual basis vide Annexure-1 and his service was extended from time to time and ultimately, she was



regularized w.e.f. 1st January, 2007 by the order of opposite party No.3 dated 30th December, 2006 at Annexure-3. It is further pleaded that with effect from 1st January, 2007, the petitioner continued on regular basis and availed all such benefits. Mr. Swain, learned counsel for the petitioner submits that juniors to the petitioner received regularization in service from an anterior date vide Annexures-4 and 5. It is contended that such regularization was allowed w.e.f. 20th July, 2004 and 8th January, 2001 in respect of one Pranati Panda and Ranjit Kumar Panda vide Annexures-4 and 5 respectively and therefore, she approached the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.4836(C) of 2011 and it was disposed of vide Annexure-6. The submission is that pursuant to the order dated 7th March, 2018 in the OA as per Annexure-6, opposite party No.3 allowed regularization of the petitioner's service w.e.f. 20th July, 2004 instead of 1st January, 2007 but suddenly thereafter cancelled the order of regularization w.e.f. 3rd December, 2020 under Annexure-8. The contention is that no notice was issued to the petitioner and without providing an opportunity to her, the impugned decision vide Annexure-8 was taken by opposite party No.3, hence, the same is a nullity in the eye of law. It is submitted that in view of the interim order, Annexure-8 has been stayed and the petitioner was allowed to continue in regular service till today. It is lastly contended that such a decision of opposite party No.3 cannot be sustained in law since it is also not supported by any reason. Relying on a decision of the Apex Court in



Canara Bank and others Vrs. Shri Debasis Das and others
AIR 2003 SC 2041, Mr. Swain, learned counsel would submit that principle of natural justice has not been followed in the case of the petitioner as any such cancellation in regularization of service invites civil consequences and the law is well settled that even an administrative order with such consequence must be consistent with the rules of natural justice as has been held therein. So, therefore, the contention is that the impugned order dated 3rd December, 2020 vide Annexure-8 is liable to be interfered with and quashed in the interest of justice.

5. Recorded the submission of Ms. Sahu, learned AGA for the State.

6. On a bare reading of the impugned order as at Annexure-8, the Court finds that no reason has been assigned while directing cancellation of regularization order by opposite party No.3. Such a decision by the Authority concerned, in the considered view of the Court, is untenable. This Court proceeds on the premise that there has been no notice issued to the petitioner before directing cancellation of regularization vide Annexure-8. Any such decision even by an administrative order must reveal the reason behind the same. In the case at hand, when the service of the petitioner was regularized w.e.f. 27th July, 2004 in supersession of the earlier order, it is not revealed from Annexure-8 as to what prevailed upon opposite party No.3 to cancel the regularization itself. It is always expected from an Authority while dealing the matters on administrative



side to assign reason as any such decision like the present one that invites civil consequences. It was quite but natural for the petitioner to expect such a decision with assigned reasons. Furthermore, the petitioner claimed to have received no notice. In fact, Annexure-8 does not reveal anything whether with any such notice was issued to the petitioner and after providing her an opportunity of hearing that the cancellation of regularization was directed. The Apex Court in **Canara Bank** (supra) categorically held and observed that any such administrative decision which involves civil consequences shall have to be consistent with the rules of natural justice. It has been held therein that the concept of natural justice has undergone a great deal of change in the recent years. While outlining the principles and rules embodied, it is observed therein that the distinction between a judicial act and administrative order has withered away and therefore, when any such administrative decision involves consequences of civil nature, it shall have to be by observing the rules of natural justice. In the case of the petitioner, there has been a glaring deviation as opposite party No.3 neither provided the petitioner any opportunity of hearing before considering cancellation of regularization nor deemed it proper to assign reasons for such a decision. Thus, therefore, the inevitable conclusion of this Court is that the impugned order vide Annexure-8 deserves to be quashed.

7. Accordingly, it is ordered.



8. In the result, the writ petition stands allowed. As a necessary corollary, the impugned order dated 3rd December, 2020 by opposite party No.3 as at Annexure-8 is hereby quashed. It is further directed that opposite party No.3 shall immediately release all the consequential service and financial benefits to the petitioner as she is entitled to as per Annexure-7 and to conclude the above exercise as soon as possible preferably by the end of April, 2026.

9. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 24-Mar-2026 12:46:22

