



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37236 of 2023

Gita Rani Biswal

....

Petitioner

Ms. D. Mahapatra, Advocate

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. S.P. Das, ASC

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
08.12.2025**

Order No.

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed *inter alia* challenging office order dated 02.11.2023, so passed by Opp. Party No.2 under Annexure-12.
4. Learned counsel for the petitioner contended that vide the impugned order, pay of the petitioner was re-fixed w.e.f. 01.01.2006 without issuing any show-cause and without giving any opportunity of hearing.
- 4.1. It is contended that petitioner's pay was fixed vide order dated 05.11.2014 under Annexure-3. While in receipt of the pay and the benefits in terms of the said order, without issuing any show-cause, petitioner's pay was re-fixed vide the impugned order dated 02.11.2023 under



Annexure-12 and with a direction to refund the excess payments.

4.2. However, taking into account the interim order passed by this Court on 02.11.2023, no recovery has been made. It is also contended that since pay of the petitioner so fixed in the year 2014, was re-fixed suo-moto vide the impugned order under Annexure-12, the same is not sustainable in the eye of law, because of non-compliance of the principle of natural justice.

5. Learned Addl. Standing Counsel on the other hand made his submission basing on the stand taken in the counter affidavit so filed. It is contended that after fixation of the pay of the petitioner vide order dated 05.11.2014 under Annexure-3, when it came to the knowledge of the authority that pay has been wrongly fixed, vide office order dated 02.11.2023 under Annexure-12 the same was re-fixed w.e.f. 01.01.2006. On such re-fixation of the pay, petitioner was held liable for refund of the excess payments.

5.1. However, it is fairly contended that because of the interim order, no recovery has been made from the petitioner's salary.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that petitioner's pay was fixed vide order dated 05.11.2014 under Annexure-3 of Opp. Party No.2. However, such pay fixed vide order under Annexure-3 was re-fixed vide the impugned order dated 02.11.2023 under Annexure-12.



6.1. Since prior to such re-fixation of the pay, petitioner was never issued with the show-cause nor given an opportunity of hearing, it is the view of this Court that, in absence of the same, pay of the petitioner could not have been re-fixed. Therefore, on that ground only, this Court is inclined to quash office order dated 02.11.2023 so issued by Opp. Party No.2 under Annexure-12. While quashing the said order, this Court remits the matter to Opp. Party No.2 to take a fresh decision and with regard to re-fixation of the pay of the petitioner, if any, by following the principles of natural justice.

7. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev