

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.338 of 2023

Santosh Kumar Roy

....

Petitioner

Mr.Mohendra Dalai, Advocate

-versus-

Principal Secretary to Government

....

Opposite Parties

Department of Co-operative

Society, Bhubaneswar and others

Mr.T.K.Patnaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.01.2023

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 Additional Standing Counsel.
3. The Petitioner has filed the present writ application with the following prayer:

“ It is, most respectfully prayed that your Lordships would be graciously pleased to admit this petition, issue notices to the Opp.Parties to show cause and if their show cause found insufficient, then to issue a writ of mandamus directing the O.P. Nos.2,3,4 & 5 to dispose of the representation of the Petitioner dated 04.01.2023 within a stipulated time;

And further declare the appointment of O.P. No.8 in the post of Chief Executive is illegal, inoperative of law, unjust, arbitrary and against the settled principle of law as it is not maintained within the guideline of selection procedure; and such appointment be declared as null and void and be cancelled.

And concluding direct the O.P.Nos.2,3,4,5 to give promotion to the post of ‘Chief Executive’ to the Petitioner as he has gathers 11 years of experiences;

And pass any other order/s, direction/s deems fit and proper;”

4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Deputy Registrar, Co-operative Society, Division-II, Cuttack, Opposite Party No.2 on 04.01.2023 under Annexure-5. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-5 within a stipulated period of time.

5. Learned Additional Standing Counsel submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.2, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.2 to consider the representation of the Petitioner under Annexure-5 in accordance with law within a period of eight weeks from the date of production of certified copy of this order after providing an opportunity of hearing to the Petitioner and anybody else who is likely to be affected by the outcome of such decision. The Opposite Party No.2 shall do well to dispose of the representation of the Petitioner under Annexure-5 by passing a speaking and reasoned order.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

