

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 10203 of 2008

Arata Chandra Pradhan

....

Petitioner

Mr. P.K. Panda-1, Advocate

-versus-

*Balandapada Gram Panchayat
and others*

....

Opposite Parties

A.S.C.

CORAM: JUSTICE V. NARASINGH

ORDER

08.09.2022

Order No.

15.

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner when the matter is called.
3. The matter relates to the removal of the petitioner from service as Secretray which was communicated by the Sarapanch vide his letter dated 01.02.2008 received by the petitioner on 07.04.2008 (Annexure-5).
4. Counter has been filed on behalf of the Opposite Party No.2 and 3 converting the allegations made in the Writ Petition.
5. The stand taken by the Opposite Party germane for just adjudication is quoted hereunder;

“4. x x x x x

It is humbly submitted that the prayer made by the petitioner is thoroughly misconceived and can not be allowed in view of the facts that the removal of the petitioner from the post of Secretary has not yet been approved by the Dist. Panchayat Officer and as such there is no final removal order. x x x x x

x x x x x 13. That in reply to the averments made in Paras 26 to 30 of the writ petition it is humbly submitted that the petitioner has been removed

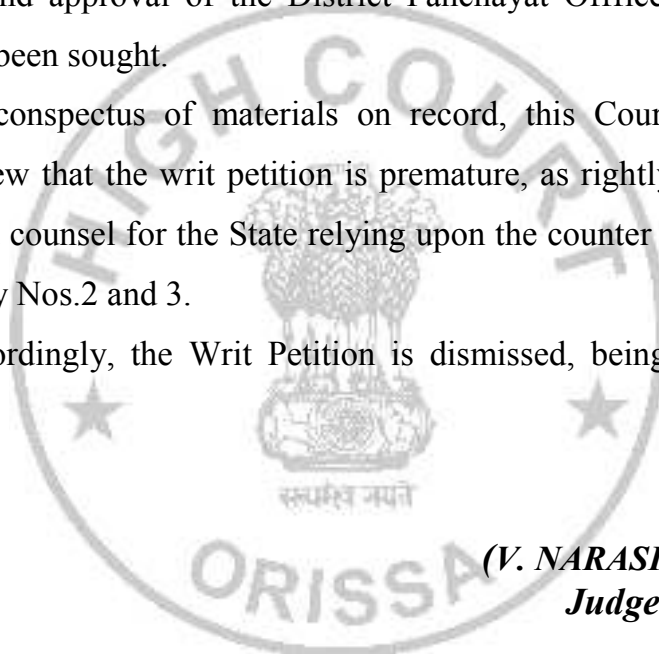
from service. Approval of his removal proposal is awaited from the office of the Dist. Panchayat Officer.” x x x x x

6. Such assertion regarding pendency of the proposal for removal has not been controverted by the petitioner though the rejoinder has been filed.

7. Learned counsel for the State has drawn attention of this Court to running Page-66 of the brief (part of Annexure-G/3, filed by the petitioner) wherein, it has been categorically stated that the petitioner has been removed with immediate effect on establishment of allegations against him and approval of the District Panchayat Officer and Sub-Collector has been sought.

8. On conspectus of materials on record, this Court is of the considered view that the writ petition is premature, as rightly submitted by the learned counsel for the State relying upon the counter filed by the Opposite Party Nos.2 and 3.

9. Accordingly, the Writ Petition is dismissed, being devoid of merit.



(V. NARASINGH)
Judge

Santoshi