

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No. 3246 of 2020

Manoranjan Sur

.....

Petitioner

Mr. M.K.Pati, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

14.12.2022

Order No.

12.

This matter is taken up through hybrid mode.

2. Heard Mr. M.K. Pati, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the order of transfer dated 20.01.2020 under Annexure-1, by which the petitioner, who was working as a Lecturer in English in SNIHTS, Kamarda, Balasore, has been transferred to Anandamayee H.S. School, Auraihar, Dahamunda, Balasore.

4. Mr. M.K. Pati, learned counsel for the petitioner contended that against the order of transfer dated 20.01.2020; the petitioner has approached this Court by filing the present writ petition. While entertaining the same, this Court, vide order dated 29.01.2020 passed in I.A. No. 1528 of 2020, directed that there shall be stay operation of the order under Annexure-1 so far as it relates to the petitioner. It is stated that challenging the said common order of transfer though opposite party no.6 had approached this Court by filing W.P. (C) No. 3248 of 2020, but subsequently the same was withdrawn. Therefore, because of pendency of the writ petition, the petitioner is not able to get his salary.

5. Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department contended that the order of transfer dated 20.01.2020 under Annexure-1, so far it relates to the petitioner, has already been implemented and, as such, by the time the interim order was passed by this Court, the petitioner has already been relieved from his post. Therefore, allowing the petitioner to continue as before, does not arise. However, if the petitioner wants to join in his new place of posting at Anandamayee H.S. School, Auraihar, Dahamunda, Balasore, opposite parties-authorities may not have any objection, as the order of transfer has already been given effect to. It is contended that if the petitioner joined in his new place of posting, consequential service and financial benefits will be granted to him by regularizing his service in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the petitioner is willing to join in his new place of posting at Anandamayec H.S. School, Auraihar, Dahamunda, Balasore, pursuant to the order of transfer dated 20.01.2020 under Annexure-1, it is open to him to do so within a period of seven days hence. If the petitioner joins in his new place of posting, opposite party-authority shall do well to regularize the service of the petitioner for the period he was remained absent, and grant consequential service and financial benefits as expeditiously as possible, preferably within a period of four months from the date of production of certified copy of this order.

7. The writ petition is accordingly disposed of.
Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok