

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4230 of 2022

Benudhar Nayak

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.03.2022

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 counsel for the State.
 3. The present writ petition has been filed by the Petitioner with the following prayer:-
 - i) directing the Opposite Party No.2 to dispose of the Appeal-cum-representation under Annexure-4 within a stipulated period or alternatively re-instatement of the petitioner into service as a Home-Guard within a stipulated period.
 - ii) if the opposite parties fail to show-cause or show insufficient cause to make the said rule absolute; and
 - iii) to pass such other order/orders and issue such other writ/writs as would afford complete relief to the petitioner.
 4. It is submitted by learned counsel for the Petitioner that after acquittal of the criminal case, the Petitioner has filed an appeal memo

before the Opposite Party No.2 on 15.11.2021 under Annexure-4 for reinstatement of his service but, he was discharged from service by the authority as he was involved in the criminal case and the same is still pending. However, he has also filed a representation dated 04.01.2022 under Annexure-6 is also pending as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the appeal memo of the Petitioner within a stipulated period of time in accordance with law.

6. Having regard to the submissions made by learned counsel for the parties, this Court disposes of the writ petition with a direction to the Director General (Home Guard), Cuttack-Opposite Party No.2 to dispose of the appeal memo in accordance with law within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the appeal memo of the Petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. In the event the petitioner seeks liberty for personal hearing, the same shall be granted to the petitioner before passing any final order. Any decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

7. With the aforesaid direction, the writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge