

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5831 of 2022

Minaketan Pradhan

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.03.2022

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) To quash the order dtd.7.10.2021 under Annexure-1;
 - ii) To direct the opposite parties to reinstate the petitioner in service pending final disposal of the writ petition;
And pass such other order/orders, direction/directions as deem fit and proper.
 4. It is submitted by learned counsel for the Petitioner that the Petitioner has been placed under suspension since 07.10.2021. In the meantime, proceeding has been initiated against the Petitioner and memorandum of charge has been filed. However, the petitioner has not been reinstated and the proceeding has not progressing. In this

context, learned counsel for the Petitioner draws attention of this Court in the case of ***Ajay Kumar Choudhary vrs. Union of India through its Secretary and another*** decided on 16.02.2015 by the Hon'ble Supreme Court of India in Civil Appeal No.1912 of 2015 arising out of SLP(C) No.31761 of 2013, which is filed under Annexure-4 to the writ petition.

5. In such view of the matter, learned counsel for the Petitioner submits that the Petitioner has submitted a representation along with the judgment passed by the Hon'ble Supreme Court of India before the Superintendent of Police, Balasore-Opposite Party No.3 and the said Opposite Party has not considered the same as of now.

6. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the representation of the Petitioner and take decision in the case of ***Ajay Kumar Choudhary vrs. Union of India through its Secretary and another*** decided on 16.02.2015 by the Hon'ble Supreme Court of India in Civil Appeal No.1912 of 2015 arising out of SLP(C) No.31761 of 2013 within a stipulated period of time.

7. Considering the limited nature of grievance, this Court disposes of the writ petition at the stage of admission with a direction to the Superintendent of Police, Balasore-Opposite Party No.3 to consider the representation of the Petitioner dated 17.0.02022 under Annexure-3 within a period of two months from the date of production of certified copy of this order in accordance with law. In the event it is found that the case of the Petitioner came in the light of judgment passed by the Hon'ble Supreme Court of India ***Ajay Kumar Choudhary vrs. Union of India through its Secretary and another***(supra). It is needless to mention here that the representation of the Petitioner shall be considered by a speaking and reasoned

order on the same. Any decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

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

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

(A.K. Mohapatra)
Judge

Jagabandhu

