

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7388 of 2022

Baishnab Charan Barik

....

Petitioner

Mr. Bidyadhar Mansingh, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

30.03.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The present writ petition has been filed by the Petitioner challenging the order of transfer dated 15.3.2022 (Annexure-4 series) passed by the Additional Chief Secretary to Govt., Department of Agriculture & Farmers, Empowerment, Govt. of Odisha, Bhubaneswar-O.P. No.1. Under the impugned order, the Petitioner has been transferred from DDH, Cuttack to HTI, Kalinga. It is submitted by learned counsel for the Petitioner that Petitioner is at the verge of the retirement and is going to retire on 31.07.2022. Further learned counsel for the Petitioner submits that Petitioner is a heart patient and is undergoing treatment frequently. As regard his health conditions, he filed medical documents, which are filed in the writ petition as Annexure-6 series.

4. In such view of the matter, learned counsel for the Petitioner submits that in view of the provision contained in Orissa Service, Code, the Petitioner should not be disturbed towards the fag end of his service career unless there is some administrative exigencies. He further submits that apart from that when Petitioner's health condition is not good, if the Petitioner is allowed to join in the present place of posting, he will find difficulty to prepare his pension paper. Accordingly, he prayed before this Hon'ble Court that the said impugned order may be stayed in the interest of justice.

5. Learned counsel for the State on the other hand submits that transfer is a condition of service. The Petitioner should not avoid or object to the same. It is further submitted that the present writ petition has been filed challenging the order of transfer and therefore, the present writ petition is not maintainable, as Petitioner has not approached the appropriate authority.

6. Considering the aforesaid submission and the limited grievance in the present petition, this Court feels it appropriate to dispose of the writ petition at the stage of admission with a direction to the Petitioner to file a detailed representation along with all supporting documents highlighting the grievance of the Petitioner within a period of ten days from today along with certified copy of this order. In such event, the Authority shall consider the same strictly in accordance with law and as per the judgments relied upon by the Petitioner within a period of four weeks thereafter. Opposite Party No.1 is further directed to consider the representation of the Petitioner in the light of law governing the field and shall dispose of the same by passing a reasoned and speaking order. The decision so taken shall be communicated to the Petitioner within a period of ten

days thereafter. Further it is directed that the impugned order under Annexure-4 shall not be given effect to till the Opposite Party No.1 takes a decision on the representation of the Petitioner as directed by this Court hereinabove.

7. With the above direction, the Writ Petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge



U.K.Sahoo