

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7475 of 2022

Subrat Kumar Malik

....

Petitioner

Mr. Saubhagya Kumar Samal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

28.03.2022

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. Being aggrieved by the show-cause notice dated 23.11.2020 (Anneuxre-3), the Petitioner had approached this Hon'ble Court with a prayer for a direction to the Opposite Party No.2 to release the subsistence allowance in favour of the Petitioner w.e.f. 10.07.2020 in lieu of his temporary disengagement from his service and to quash the disciplinary proceeding initiated against the Petitioner within a stipulated period of time.
4. It is submitted by learned counsel for the Petitioner that although show-cause notice was issued, the Authorities have not initiated any disciplinary proceeding against the Petitioner. Further it is submitted by learned counsel for the Petitioner that under the terms of contract, the Petitioner is entitled to get subsistence allowance although his nature of service was contractual. It is further submitted by learned counsel for the Petitioner that he has given a reply to the

show-cause notice under Annexure-4. However, the Authorities have not yet considered the reply and no final decision has been taken on the same.

5. Learned counsel for the State on the other hand submits that the Petitioner has approached this Court against the show-cause notice, therefore the writ petition is not maintainable at this stage.

6. Considering the rival contentions of the parties, this Court in disposal of the writ petition directs the Director of Panchayati Raj and Drinking Water Department, Govt. of Odisha, Bhubaneswar, Opposite Party No.2 to consider the show-cause reply submitted by the Petitioner under Annexure-4 within a period of eight weeks from the date of production of certified copy of this order. Further Opposite Party No.2 shall do well to provide opportunity of hearing to the Petitioner and shall pass necessary order after hearing the Petitioner. It is also directed in the event the terms of contract provides temporary disengagement to employees like the Petitioner, the Opposite Party No.2 shall do well to consider the case of the Petitioner subject to his entitlement to get the subsistence allowance within a period of four weeks from the date of certified copy of this order.

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

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge