

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7484 of 2022

Chaitanya Behera

....

Petitioner

Mr. Ranjit Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

W.P.(C) No.7484 of 2022 & I.A. No.3833 of 2022

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 :-

“To issue RULE NISI calling upon the Opp. Parties to show cause as to why appropriate writ/writs shall not be issued setting aside the impugned order dt.10.03.2022, Annexure-5, and further to show cause as to why on such basis the petitioner shall not be allowed to continue to discharge his duties as Forest Range Officer, Handapa till his retirement from govt. service i.e. 31.07.2022, and upon perusal of causes shown, if any, or upon insufficient causes shown, make the said RULE NISI absolute and pass such order/orders as is deemed just

and proper.

And pass such other order(s)/direction(s) as this Hon'ble Court may deem fit and proper in facts and circumstance of the case to give complete relief to the petitioner.”

4. It is submitted by learned counsel for the petitioner that the impugned order dated 10.03.2022 at Annexure-5 passed by the Divisional Forest Officer, Athmallik Division hereinafter referred to as Opposite Party No.4 by which the petitioner has been ordered to be in charge of the Divisional Office Control Room until further orders on deputation basis, when the petitioner has hardly four months to go for retirement on superannuation, as he is going to retire from govt. service w.e.f. 31.07.2022. He further submits that such order passed by the Opposite Party No.4 is without any authority, competency and jurisdiction besides being against the instructions of the Government in G.A. Department. Therefore, such order dated 10.03.2022 may be set aside/quashed.

5. Learned counsel for the petitioner further submits that being aggrieved by the aforesaid order of Opposite Party No.4, the petitioner has been filed a representation before the Principal Secretary to Government, Forest and Environment Department, Bhubaneswar-Opposite Party No.1 on 17.03.2022 and the same is pending till now.

6. Learned counsel for the State submits that he has no objection, if a direction is given to the authority to consider the representation of the Petitioner within a stipulated period of time.

7. Considering the aforesaid submissions made by learned counsel for the parties, this Court disposes of the writ petition with a direction to the Principal Secretary to Government, Forest and Environment Department, Bhubaneswar-Opposite Party No.1 to

consider the representation of the Petitioner dated 17.03.2022 under Annexure-6 within a period of four week from the date of production of certified copy of this order in accordance with law. It is needless to mention here that the representation of the Petitioner shall be considered and disposed of 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 two weeks thereafter.

8. Till disposal of the representation of the petitioner, the impugned order dated 10.03.2022 under Annexure-5 shall not be given effect to.

9. With the aforesaid direction, both the writ petition as well as I.A. stands disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

