

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7842 of 2022

Shyam Sundar Shee ***Petitioner***

Mr. B.R. Barik, Advocate

-versus-

State of Odisha and another ***Opposite Parties***

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.04.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayer:-

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to issue rule nisi calling upon the Opp.Parties as to why the Petitioner shall not be transferred from the office of Assistant Director, Soil Conservation, Bhadrak to the office of Project Director, Watersheds & Soil Conservation, Keonjhar in existing vacancy as the Petitioner belongs to Keonjhar district cadre employee keeping in view of

the clarification letter No.1603/SC&WD, dt.02.03.2022 of the Director, Soil Conservation and Watersheds Development, Odisha under Annexure-5 and after hearing direct the Opp.Party No.1 to consider the grievance submitted by the Petitioner under Annexure-8 and to pass necessary order for transfer keeping in view of the letter under Annexure-5,6 & 7 within a time to be stipulated by this Hon'ble Court and further direct till consideration of such representation, the post of Section Officer lying vacant in the office of the Project Director, Watersheds & Soil Conservation, Keonjhar shall not be filled up by any other person.

And/or pass such other order(s) which will deem fit and proper in the interest of justice.”

4. It is submitted by learned counsel for the Petitioner that the petitioner as a Section Officer was transferred from the Office of the Asst. Director, Soil Conservation, Bhadrak to the Office of the Project Director, Watersheds & Soil Conservation, Keonjhar district cadre employee, keeping in view the clarification letter no.1603/SC&WD, dated 02.03.2022 issued by the Director, Soil Conservation and Watersheds Development, Odisha, as a Section Officer.

5. Further, it is submitted by learned counsel for the petitioner that the petitioner was transferred from own district Keonjhar to Bhadrak district since the petitioner is not well and he is suffering from cardiac problem the very request to the authorities transferring

him to his home district was refused. Therefore, learned counsel for the petitioner submits that the petitioner has submitted a detailed representation to the authorities dated 07.03.2022 under Annexure-8 highlighting his grievances but, the same is still pending before the Commissioner-cum-Secretary to Government, Department of Agriculture and Farmers Empowerment, Bhubaneswar-Opposite Party No.1 and the said Opposite Party has not taken any decision on the representation of the Petitioner.

6. It is also submitted by learned counsel for the petitioner that the post of Section Officer is lying vacant in the office of the Project Director, Watersheds & Soil Conservation, Keonjhar. The Project Director Watersheds & Soil Conservation, Keonjhar-Opposite Party No.3 shall consider the case of the petitioner. In the event it is found that the case of the petitioner deserves to be considered on his personal health ground when necessary order may be passed in that regard.

7. Learned counsel for the State, on the other hand, submits that he has no objection, if a direction is given to the Commissioner-cum-Secretary to Government, Department of Agriculture and Farmers Empowerment, Bhubaneswar-Opposite Party No.1 to consider the grievance petition of the petitioner dated 07.03.2022, if any, pending before the said Opposite Party in accordance with law within a stipulated period of time.

8. Considering the submissions made by the parties and limited nature of grievance of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Commissioner-cum-Secretary to Government, Department of

Agriculture and Farmers Empowerment, Bhubaneswar-Opposite Party No.1 to consider the representation of the Petitioner dated 07.03.2022 under Annexure-8 in accordance with law within a period of four weeks from the date of production of certified copy of this order. It is further directed that the opposite party no.1 shall do well to consider the representation of the petitioner keeping in view the orders under Annexures-6 and 7 and dispose of the same by passing a speaking and a reasoned order on the same. Any decision taken on the same shall be communicated to the Petitioner within a period of two weeks thereafter.

9. With the aforesaid observation/direction, the writ petition stands disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

