

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 8049 OF 2022**

***Bansidhar Parida***

....

***Petitioner***

Mr. Sidheswar Mallik, Advocate

*-versus-*

***State of Odisha and others***

....

***Opp. Parties***

Mr. Sarojananda Mishra,

Additional Government Advocate

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**21.04.2022**

**Order No.**

01. 1. This matter is taken up through hybrid mode.
2. On the oral prayer of Mr. Mallik, learned counsel for the Petitioner, he is permitted to correct the father's name of the Petitioner in Court itself.
3. The Petitioner in this writ petition seeks for a direction to set aside the order dated 23<sup>rd</sup> February, 2022 (Annexure-7) issued by the Superintendent of Police, Koraput imposing penal rent of Rs. 5,800/- till vacation of quarter in question.
4. Mr. Mallik, learned counsel for the Petitioner submits that the Petitioner was working as Senior Stenographer in the office of the Superintendent of Police, Koraput. Vide order dated 31<sup>st</sup> January, 2019 issued by the A.I.G. of Police Personnel, Odisha, Cuttack, the Petitioner was transferred and posted in the office of the Commandant, OSAP 3<sup>rd</sup> Battalion, Koraput. The Petitioner was allotted with Government Quarters No. E-1 at Police Line near Police Hospital, Koraput, during his continuance in the office of the Superintendent of Police, Koraput. Hence, by his representation dated 14<sup>th</sup> February, 2014 (Annexure-3), the

Petitioner represented the I.G. Police (Modernization), Odisha, Cuttack requesting him to occupy the said quarter during his posting under the Commandant, OSAP 3<sup>rd</sup> Battalion, Koraput. Considering his representation, the I.G., Police, (Modernization) communicated the Petitioner vide Letter No.35346 dated 6<sup>th</sup> November, 2020 (Annexure-4) that the D.G. Police has allowed the Petitioner to retain Quarters No.E-1 at Police Line, Koraput for one year or till allotment of the quarters by the Commandant, OSAP 3<sup>rd</sup> Battalion, Koraput, whichever is earlier. He, however, represented the Additional D.G. of Police (Modernization)- Opposite Party No.3 to allow him to retain the quarter during his continuance under the Commandant OSAP 3<sup>rd</sup> Battalion, Koraput. When the matter stood thus, the Petitioner was issued with the order under Annexure-7.

5. It is the contention of Mr. Mallick, learned counsel for the Petitioner that similarly situated persons have been allowed to occupy the quarters during their continuance in different places under the Commandant, OSAP 3<sup>rd</sup> Battalion, Koraput. Thus, the Petitioner should not be discriminated. Further, the representation of the Petitioner under Annexure-5 is pending before the Opposite Party No.3. Hence, he prays for setting aside the order under Annexure-7 and to direct the Opposite Party 3 for early disposal of his representation in accordance with law.

6. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter. However, from the record, it appears that the Petitioner was allowed to retain the quarter till one year or till he is allotted with official accommodation by the Commandant, OSAP 3<sup>rd</sup> Battalion,

Koraput, whichever is earlier. In the meantime, one year has already elapsed from the date of issuance of Annexure-4. As such, the Superintendent of Police, Koraput has committed no error in issuing the order under Annexure-7.

7. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that when the representation of the Petitioner to retain Government Quarter No. E-1 at Police Line near Police Hospital, Koraput during his continuance at the Commandant, OSAP 3<sup>rd</sup> Battalion, Koraput is pending, the Superintendent of Police, Koraput should have awaited till a decision on the said representation, for issuance of order under Annexure-7.

8. In that view of the matter, this Court disposes of this writ petition with a direction to the Additional D.G. of Police (Modernization), Cuttack-Opposite Party No.3 to take a decision on the representation/grievance petition of the Petitioner dated 25<sup>th</sup> March, 2021 under Annexure-5 as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order. Till a decision is taken on Annexure-5, if the same is still pending, the order under Annexure-7 issued by the Superintendent of Police, Koraput imposing penal rent for occupation of Government Quarter No.E-1 at Police Line near Police Hospital, Koraput shall be kept in abeyance so far as the Petitioner is concerned.

9. Mr. Mallik, learned counsel for the Petitioner undertakes to produce the certified copy of this order before Opposite Party No.3 within a period of two weeks hence for compliance of the direction.

10. A copy of this order shall also be handed over to Mr. Mishra, learned Additional Government Advocate for communication to the Additional D.G. of Police (Modernization), Odisha, Cuttack-Opposite Party No.3 and Superintendent of Police, Koraput-Opposite Party No.4.

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

**(K.R. Mohapatra)**  
**Judge**

*ms*

