

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20177 of 2013

Padmanav Jena

....

Petitioner

Mr. P.K. Rath, Advocate

-versus-

State & Others

....

Opposite Parties

Mr.N.K. praharaj, ASC

Mr. S. Mallik, Advocate
(for Opposite Party No.5)

CORAM: JUSTICE V. NARASINGH

ORDER
25.08.2022

Order No.

11.

1. This matter is taken up through hybrid mode.
2. Heard.
3. In the present Writ Petition, the petitioner has prayed for quashing of the order at Annexure-1 dated 22.07.2013 by which the Panchayat Samiti Bonth-Opposite Party No.5 directed the petitioner to hand over all the office keys and the other materials, since he has been disengaged as Night Watchman-cum-sweeper as per the resolution passed by the Panchayat Samiti dated 12.09.2012.
4. It is submitted by the learned counsel for the petitioner relying on the paid resolution of the Panchayat Samiti obtained through RTI at Annexure-12 that, there is patent discrepancy in the resolution, which has been relied upon by the Panchayat Samiti at Annexure-A/5 and the resolution obtained through the RTI.

5. This Court perused the resolution obtained through RTI and the allegation as made by the present petitioner cannot be gone into in a Writ Petition since the same falls within the ambit of factual dispute.

6. It is also noticed that at Annexure-1 which is assailed, is consequential to the resolution dated 12.09.2012, which has not been challenged before this Court, as stated by the learned counsel for the Opposite Party No.5.

7. In that view of the matter, the Writ Petition is disposed of giving liberty to the petitioner to assail the resolution disengaging him.

8. It is made clear that this Court has not expressed any opinion regarding the alleged interpolation as made in the resolution of the Panchayat Samiti at Annexure-A/5, as submitted by the learned counsel for the petitioner is relying on the copy of such resolution obtained through RTI at Annexure-12.

9. The Writ Petition thus stands disposed of.

(V. NARASINGH)
Judge

Ayesha