

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8604 of 2022

Ramakanta Pradhan

.... ***Petitioner***
Mr. Amitav Das, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. P.C. Das, ASC for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
07.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. This writ petition has been filed by the Petitioner thereby challenging the order dated 09.11.2021 passed by the Commissioner-cum-Secretary to Govt., Commerce & Transport Department. New Delhi-Opposite Party No.1.
4. As it appears from the order, pursuant to the direction of this Court dated 23.06.2021 passed in ***WPC(OAC) No.1214 of 2016 (Ramakanta Pradhan vs. State of Odisha & Others)***, petitioner had approached the Authority and there was a specific direction in the said writ petition that taking into consideration certain guidelines as

has been laid down in order dated 23.06.2016, the representation of the petitioner has been rejected on 09.07.2021.

5. On a perusal of the impugned order, it appears that F.A.-cum-Special Secretary to Govt.-Opposite Party No.1 although has discussed the principle but it appears that the fact of the present case has not been discussed and it has not been stated as to how the petitioner is not entitled to the benefit claimed by him. However, learned counsel for the petitioner relied on certain judgments which reveal that that has a separate category. The category he belongs to cannot be transmitted under U.R. category. In such view of the, learned counsel for the petitioner urges that the Authority be directed to consider the matter relied upon by the petitioner as well as earlier direction of this Court.

6. Learned counsel for the State on the other hand submits that the Authority has not committed any illegality by taking into consideration the judgment of the Hon'ble Supreme Court and rejected the same with reason. However facts have not been analyzed in the impugned order. It has also been not stated as to how the petitioner is not entitled to the benefit.

7. Considering the rival contentions of the parties and taking into consideration the judgments of the Hon'ble Supreme Court, this Court is of the considered view that the order dated 09.11.2021

passed by the Opposite Party No.1 is not sustainable in the eye of law. Further the Opposite Party No.1 is directed to consider the material afresh after giving opportunity of hearing to the present petitioner and was contemptuous. Further it is open for the opposite party no.1 to decide the hearing giving notice to the affected parties. Opposite Party No.1 shall do well to complete the entire exercise within a period of three months from the date of certified copy of this order.

8. With the aforesaid observation, the writ petition stands disposed of.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge