

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9443 of 2022

Jeetendra Bhol

.... ***Petitioner***
Mr. S. Nanda, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.04.2022

Order No.

W.P.(C) No.9443 of 2022 & I.A. No.4936 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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is therefore prayed that this Hon’ble Court may be graciously pleased to admit the writ application, issue notice to the opp.parties and after hearing the parties be further pleased to quash the office order No.5231 dated 11.04.2022 under Annexure-1 passed by the opp.party No.2 Director, Directorate of Employees State Insurance Scheme, Odisha, Bhubaneswar, for the interest of

justice.

And pass any other order/orders would be deem fit and proper as facts and circumstances of the case.”

4. It is submitted by learned counsel for the Petitioner that the petitioner has been transferred from ESI Hospital, Bhubaneswar to ESI Hospital, Sambalpur. It is further submitted that the wife of the petitioner is suffering from cancer since last one year. Further treatment of the ailing wife of the petitioner is required at Bhubaneswar and she requires continuous medical attention. Further he submits that two children of the petitioner are reading Class-IX and Class-X in the academic year 2021-22 and studied at Xavier’s International School.

5. Further, it is submitted by leaned counsel for the petitioner that in view of the aforesaid reasons, the petitioner has submitted a representation before the Director, Directorate of Employees State Insurance Scheme, Odisha, Bhubaneswar, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel appearing for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the

Director, Directorate of Employees State Insurance Scheme, Odisha, Bhubaneswar-Opposite Party No.2 to consider the representation of the Petitioner dated 11.04.02022 under Annexure-3 in accordance with law within a period of four weeks from the date of production of certified copy of this order. It is needless to mention here that the representations of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

Further, it is directed that in the event the petitioner seeks for personal hearing, the same shall be provided by the Opposite Party No.2 to the petitioner while considering his representation.

Till the decision is taken on the representation of the petitioner, the Order No.5231 dated 11.04.2022 under Annexure-1 shall not be given effect to.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge