

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9467 of 2022

Janmejay Mallick

..... Petitioner

Mr. Amit Prasad Bose, Advocate

-versus-

State of Odisha and others

..... Opp. Parties

Mr. Dilip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.04.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 30th March, 2022 (Annexure-1), whereby he has been directed to vacate the Qrs. No.S/13 of PMT, Cuttack by 15th April, 2022, failing which necessary disciplinary action will be initiated against him.
3. It is submitted by Mr. Bose, learned counsel that due to alleged misconduct, the Petitioner is facing departmental proceeding at Cuttack. In the meantime, he has been transferred to Keonjhar and has joined on 12th December, 2020. During his continuance at Cuttack, he was allotted with government quarters bearing No.S/13 at PMT, Cuttack and on being transferred to Keonjhar he having not been provided with official quarters at Keonjhar, has retained the government quarters in question at Cuttack. It is further submitted that since the departmental proceeding is continuing at Cuttack, the Petitioner has to come to Cuttack to attend such proceeding. Since the authority is contemplating to vacate the official

quarters at Cuttack, the Petitioner filed this writ petition for the aforesaid relief.

4. However, in course of hearing, Mr. Bose, learned counsel for the Petitioner states that interest of justice will be best served, if the Petitioner submits a detailed representation to Superintendent of Police, PMT, Cuttack stating his grievance and prays for a direction to consider the same in accordance with law. And till disposal of such representation, the order dated 30th March, 2022 under Annexure-1 may not be given effect to.

5. Mr. Mishra, learned AGA vehemently objecting to the above submission contends that since the Petitioner has been transferred to Keonjhar and joined there since 12th December, 2020, he has no semblance of right to occupy the official quarters allotted to him at Cuttack. Further, the Petitioner owns a residential house at Cuttack. Hence, he is not entitled to occupy the official quarters even for a day.

6. Taking into consideration the submissions of learned counsel for the parties, this Court feels that grievance of the Petitioner should be redressed by the competent authority, if same is made within a reasonable time.

7. Accordingly, the writ petition is disposed with a direction that in the event Petitioner makes a comprehensive representation to Opposite Party No.2-Superintendent of Police, PMT, Odisha, Cuttack detailing his grievance to occupy the Qrs. No.S/13 at PMT, Cuttack within a period of ten days along with certified copy of this order, the same shall be considered and disposed of by Opposite Party No.2 as expeditiously as possible, preferably within a period of fifteen days there from.

7.1 Till disposal of such representation, if filed within the time stipulated above, no coercive measure shall be taken for eviction of the Petitioner from such government quarters, if not evicted in the meantime.

8. With the aforesaid observation and direction, the writ petition is disposed of.

9. A free copy of this order shall be made available to Mr. Mishra, learned AGA for communication and compliance.

Issue urgent certified copy of the order on proper application.



s.s.satapathy