

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9838 of 2022

Upendra Bhanja Naik

....

Petitioner

Mr. S.B. Jena, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.04.2022

Order No.

W.P.(C) No.9838 of 2022 & I.A. No.5095 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:

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ/writs by quashing the show cause notice no.1626 dated 28.1.2022 under Annexure-10;

And further be pleased to direct the opp.parties to give a personal chance of hearing to the petitioner before any punishment of dismissal or removal;

And further be pleased to direct the opp.parties not to impose of removal or dismissal.

Or pass such other order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. Learned counsel for the petitioner submits that the petitioner, who was working as Assistant Engineer RWS&S Section, did not cooperate with the Vigilance Officers on a vigilance proceeding, which was initiated against him. After conclusion of enquiry, notice was issued to present in the vigilance court. Accordingly, the petitioner has filed his reply to such sole continuation of the petitioner. Learned counsel for the petitioner submits that considering the nature of allegation against the petitioner accepts to withdraw the proper punishment to that such nature of allegation, which has been made against the petitioner. It is further submitted by learned counsel for the petitioner that he has approached to the Principal Secretary to Government, Panchayati Raj and Drinking Water Department, Bhubaneswar on 12.04.2022 by filing representation and he further submits that the same is pending for consideration as of now.

5. Learned counsel for the petitioner further submits that the petitioner has limited grievance in the present matter and a direction may be given to the authorities to consider the case of the petitioner.

6. 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.

7. Considering the rival submissions made by the respective parties, the limited nature of grievance involved in the present writ

petition, this Court disposes of the writ petition at the stage of admission with a direction to the Principal Secretary to Government, Panchayati Raj and Drinking Water Department, Bhubaneswar- Opposite Party No.1 to consider the representation of the Petitioner dated 12.04.2022, under Annexure-12 in accordance with law within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the said representation shall be communicated to the petitioner within a period of ten days thereafter.

8. It is further directed that till a decision is taken on the representation of the petitioner, no coercive action shall be taken against him.

9. With the aforesaid observation/direction, the writ petition along with I.A. is disposed of.

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

(A.K. Mohapatra)
Judge