

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9851 of 2022

Kanak Lata Behera

....

Petitioner

Mr.Niranjan Lenka, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.05.2022

Order No.

01

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel.
3. The writ application has been filed by the present Petitioner with the following prayer:

“It is therefore, prayed that this Hon’ble Court be graciously pleased to admit the writ application issue rule NISI in the nature of writ of mandamus or any other writ or writs as deem fit and proper calling upon the Opp.Parties to show cause as to why said order dated 10.03.2022 issued by the Opp.Party No.2 vide Annexure-10 and the subsequent disengagement order dated 14.03.2022 issued by the Opp.Party No.2 vide Annexure-12 and all actions pursuant thereto shall not be quashed and why the Petitioner shall not be reinstated in service with all service benefits including continuation in service.

In the event of the Opp.Paties fail to show cause or show insufficient cause said rule be made absolute.

And further be pleased to pass any order/orders,

direction/directions as deem fit and proper.”

4. It is submitted by the learned counsel for the Petitioner that without following the proper procedure of law the Petitioner has been disengaged from service at the instance of the District Social Welfare Officer, Kalahandi. The Petitioner was appointed as District Programme Coordinator under MAMATA Scheme in Kalahandi district in the year 2013. However, he has been disengaged from service without giving any notice or opportunity of hearing to the Petitioner. It is further submitted by the learned counsel for the Petitioner that he has filed a representation before the Commissioner-cum-Secretary, W & CD Department, Government of Odisha and the same is stated to be pending before the Opposite Party No.1 as of now.

5. Learned Additional Standing Counsel on the other hand submits that since the matter is pending before the Opposite Party No.1, let the Opposite Party No.1 take a decision in the matter within a stipulated period of time in accordance with law.

6. Considering the aforesaid submissions and keeping in view the facts involved in this writ application, this Court deems it proper to dispose of the writ application at the stage of admission directing the Opposite Party No.1 to consider the representation of the Petitioner in accordance with law within a period of two months from the date of production of a certified copy of this order before Opposite Party No.1. Further it is directed that the Opposite Party No.1 shall do well to consider the grievance of the Petitioner as has been highlighted in the representation by considering the entirety of the issue and dispose of the same by passing a reasoned and speaking order within the aforesaid order. The decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within a period of

two weeks.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra,J)
Judge

