

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9962 of 2022

Padmanav Mishra

....

Petitioner

Mr. K.K. Swain, 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.9962 of 2022 & I.A. No.5158 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 humbly prayed that the writ petition may be allowed;

(A) a writ of mandamus or an appropriate writ may be issued quashing the impugned order dated 07.04.2022 passed by the Deputy Secretary to Government of Odisha in Planning and Convergence Department, Bhubaneswar under Annexure-8 so far as the petitioner is concerned and necessary direction may be made to the opposite parties to regularize the services of the

petitioner against the post of Chowkidar-cum-Sweeper as a sanctioned post of Chowkidar-cum-Sweeper is available in the office of opposite party No.3 with all consequential benefits and the petitioner may not be replaced from the post of Chowkidar-cum-Sweeper keeping in view the order dated 09.02.2022 passed by this Hon'ble Court in WPC(OAC) No.444 of 2011, within a time to be stipulated by this Hon'ble Court;

(B) And any other order /orders or direction/directions may be issued so as to give complete relief to the petitioner;"

4. In course of hearing, learned counsel for the petitioner states that the petitioner may be permitted to file a fresh representation before authority concerned highlighting the grievances and direction may be given to consider the same within a stipulated time, taking into consideration the ratio decided in the case of ***Secretary State of Karnataka v. Umadevi (3)***, 2006(4) SCC 1, ***State of Karnataka and others v. M.L.Keshari and others***, 2010(II) OLR (SC) 982, and ***Amarkanti Rai v. State of Bihar and others***, (2015) 8 SCC 265, to which learned counsel for the State has no objection.

5. As agreed to by learned counsel for the parties, however, without expressing any opinion on the merits of the case, this writ petition stands disposed of at the stage of admission with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh comprehensive representation before the authority concerned, within fifteen days hence, the said authority shall consider the same and pass a reasoned and speaking order, taking into consideration the ratio decided in the case of ***Umadevi (3)***, ***M.L.Keshari and Amarkanti Rai*** (supra), as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with the

certified copy of this order.

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

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*



Jagabandhu