

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10105 of 2022

Rashmi Rekha Deo

....

Petitioner

Mr. B.S. Rayaguru, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.04.2022

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 learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under these facts and circumstances the petitioner most humbly pay that this Hon’ble Court may graciously pleased to admit this Writ Petition and issue a RULE NISI calling upon the Opp.Parties to show cause as to why;

i) The Notification vide No.11845/PROS, Bhubanesewar dated 11.04.2022 under Annexure-4 issued by the Home Department Govt. of Odisha & the consequent office order vide Memo No.860/DPP dated 13.04.2022 shall not be quashed,

ii) Opp. Parties shall not be directed to consider the case of the petitioner in view of the Circular dated 29.07.1991 issued by G.A. Department Government of

Orissa,

iii) The Opp. Parties shall not be directed to consider the representations under Annexure-6 submitted by the petitioner,

iv) The action of the Opp. Parties in not considering the grievance of the petitioner, shall not be declared as illegal, arbitrary and contrary to law.

And further be pleased to pass appropriate order(s)/direction(s) as this Hon'ble Court may deem fit and proper for the ends of justice and in the interest of the petitioner.”

4. It is submitted by learned counsel for the petitioner that although the petitioner have filed representation dated 18.04.2022 under Annexure-6 before the Additional Chief Secretary to Government, Home Department, Odisha, Bhubaneswar-Opposite Party No.1, 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 Additional Chief Secretary to Government, Home Department, Odisha, Bhubaneswar-Opposite Party No.1 to consider the representation of the Petitioner dated 18.04.2022 under Annexure-6 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 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.

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

(A.K. Mohapatra)
Judge

I.A. No.5230 of 2022

02.

8. Heard.

9. No action shall be taken against the petitioner pursuant to the impugned order dated 11.04.2022 issued by the Home Department, Govt. of Odisha under Annexure-4 as well as the office order vide Memo No.860/DPP dated 13.04.2022 under Annexure-5 issued by the Special Officer, Directorate of Public Prosecution, Odisha under Annexure-5 till a decision is taken on the representation of the petitioner.

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

(A.K. Mohapatra)
Judge