

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10732 of 2022

Siba Sankar Nayak

....

Petitioner

Mr. S.N. Patnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.05.2022

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

“It is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased Admit the writ application, to issue rule Nisi calling upon the opposite parties to show cause as to why the prayers made hereunder shall not be allowed, upon showing insufficient case/no cause made the said Rule absolute, Issue writ/writs in the nature of

- i. Mandamus directing the opp. Parties particularly opp. Parties Nos.1 and 2 to bring the petitioner to the ministerial cadre of Puri division under Puri district by way of transfer/repatriation maintaining his seniority in

that cadre with all consequential service benefit.

ii. Mandamus directing the opp. Parties to reinstate the petitioner in service within a specific time period by allowing him to continue under opp.party no.3.

iii. And/or may pass such order writ/writs, order/orders, direction/directions as this Hon'ble Court may think fit and proper for the ends of justice.”

4. It is submitted by learned counsel for the petitioner that although the petitioner ventilating his grievances has filed a representation dated 23.03.2022 under Annexure-14 series before the Chief Construction Engineer, Rural Works, Central Circle, Bhubaneswar-Opposite Party No.3 for encadration of self in the District Cadre Puri as per OMS Dist. Cadre Amendment Rule-2019 vide G&PG Dept resolution no.5622/Gen dtd.20.02.2019, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now. It is further submitted that the representation of the petitioner been forwarded to the Chief Construction Engineer, Rural Works, Central Circle, Bhubaneswar-Opposite Party No.3 dated 16.03.2022 by the Administrative Officer, office of the Engineer-in-Chief, Rural Works, Odisha, Bhubaneswar-Opposite Party No.2 and the same is still pending for consideration. It is also submitted that there is existing vacancy in the district of Puri and that the case of the petitioner should be suitably considered after such vacancy. Further learned counsel for the petitioner submits that in the event this Court may direct the Opposite Party No.3 to consider the representation under Annexure-14 series.

5. Learned counsel appearing for the State submits that he has no objection, if a direction is given to the Chief Construction Engineer, Rural Works, Central Circle, Bhubaneswar-Opposite Party No.3 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, without expressing any opinion on the merits of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Chief Construction Engineer, Rural Works, Central Circle, Bhubaneswar- Opposite Party No.3 to consider the representation of the petitioner dated 23.02.2022 under Annexure-14, series 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 so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

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

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

(A.K. Mohapatra)
Judge