

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 14302 OF 2022

Satyaranjan Patra

.... ***Petitioner***

Mr. Samir Kumar Mishra, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Gyanaranjan Mohapatra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
07.06.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this writ petition prays for a direction to set aside the order of transfer No.1392 dated 21st May, 2022 (Annexure-2) passed by the Collector & District Magistrate, Mayurbhanj, whereby the Petitioner has been transferred from Bahalda to Raruan in the district of Mayurbhanj.
3. 3. Mr. Mishra, learned counsel for the Petitioner submits that the Petitioner is working as a contractual employee and functioning as Panchayat Executive Officer under the Block Development Officer, Bahalda Block. The Petitioner being a contractual and temporary employee cannot be subjected to transfer. Without considering the same, the impugned order of transfer has been issued by the Collector & District Magistrate, Mayurbhanj on 25th January, 2022. Although the Petitioner has made a representation in that regard on 27th May, 2022 under Annexure-3, but the same has not yet been taken into consideration. He further submits that considering the representations of other similarly situated employees, the Collector & District Magistrate, Mayurbhanj has

recalled the orders of transfer vide his order dated 31st May, 2022 under Annexure-4, but the Petitioner has been discriminated. Hence, he prays for setting aside the impugned order of transfer under Annexure-2 and to allow the Petitioner to continue at Bahalda Block.

4. Mr. Mohapatra, learned Additional Standing Counsel refuting such submission contended that the Petitioner being a regular employee can be transferred. Pursuant to the order of transfer under Annexure-2, the Petitioner has already been relieved from his post on 31st May, 2022. Hence, the order of transfer under Annexure-2 so far as the Petitioner is concerned has already been given effect to and the writ petition is not maintainable being infructuous.

5. Taking into consideration the submissions of learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction to the Collector & District Magistrate, Mayurbhanj-Opposite Party No.2 to dispose of the representation dated 27th May, 2022 under Annexure-3 stated to have been filed by the Petitioner in accordance with law as expeditiously as possible preferably within a period of ten days from the date of production of certified copy of this order, if the same is still pending. Till disposal of such representation, no coercive action shall be taken against the Petitioner pursuant to the order of transfer under Annexure-2, if the Petitioner is still continuing at Bahalda Block.

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

(K.R. Mohapatra)
Judge

bks