

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 14305 OF 2022

Bijaya Kumar Mallick

Petitioner

Mrs. Sujata Jena, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 2nd June, 2022 (Annexure-3) passed by the State Government, whereby he has been transferred from his present place of posting i.e. Mahanga to Keonjhar as Assistant Engineer.
3. It is submitted by Mrs. Jena, learned counsel for the Petitioner that similarly situated persons with that of the Petitioner have been retained at the present place of posting but the Petitioner has been discriminated and transferred to faroff place in the district of Keonjhar. It is also submitted that no substitute has been posted in place of the Petitioner. She further submits that when the Petitioner was on leave, the impugned order under Annexure-3 has been passed on 2nd June, 2022. Coming to know about the same, the Petitioner on the very next day, i.e on 3rd June, 2022 made a representation to the Principal Secretary to Government in Panchayati Raj & D.W. Department, Bhubaneswar under Annexure-4, but the same is yet to be considered. It is her submission that the Petitioner is continuing at the present place of

posting for less than two years. Officers continuing in their respective places of posting for a longer period than the Petitioner are retained. As such, the Petitioner has been discriminated. Hence, the impugned order of transfer needs interference by this Court so far as the Petitioner is concerned.

4. Mr. Mishra, learned Additional Standing Counsel submits that the submission of Mrs. Jena, learned counsel for the Petitioner is not correct. Similarly situated persons with that of the Petitioner have also been transferred. Only because some persons continuing in their respective places of posting for a longer period than the Petitioner, the same cannot be treated to be a discrimination to the Petitioner. He further submits that the Petitioner was earlier transferred from Cuttack to Keonjhar in the year 2020 as reflected in his representation under Annexure-4. But taking into consideration his grievance, the transfer order from Cuttack to Keonjhar was cancelled and the Petitioner was allowed to continue at Cuttack. As such, it cannot be said that the order of transfer suffers from discrimination.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered view that since the representation of the Petitioner dated 3rd June, 2022 under Annexure-4 is stated to be pending before the Principal Secretary, Panchayati Raj & Drinking Water Department, Bhubaneswar- Opposite Party No.1, the same should be considered at an early date.

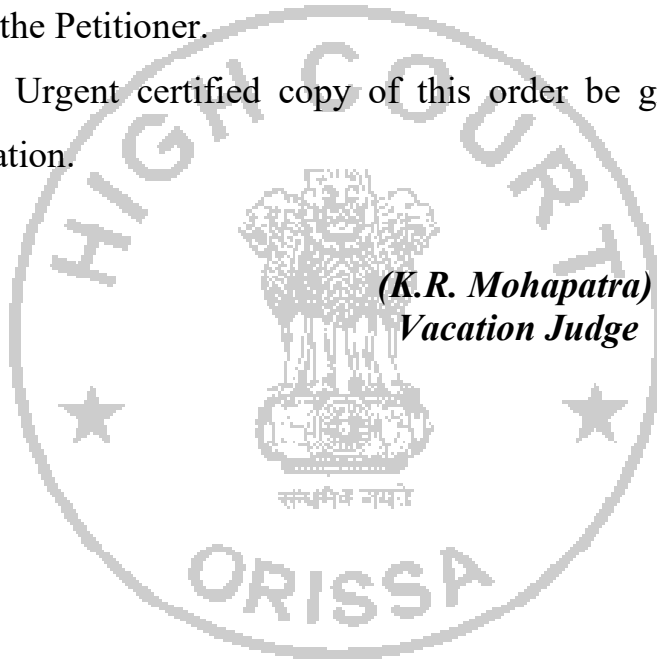
6. Accordingly, this Court without expressing any opinion on the merit of the case of the Petitioner disposes of this writ petition with a direction that on production of certified copy of this order,

the Principal Secretary, Panchayati Raj and Drinking Water Department, Bhubaneswar-Opposite Party No.1 shall do well to consider and dispose of the representation of the Petitioner dated 3rd June, 2022 under Annexure-4 in accordance with law as expeditiously as possible, preferably within a period of fifteen days therefrom, if the same is still pending and communicate the result thereof to the Petitioner.

7. Since the Petitioner has already been relieved from his place of posting, leave as due as admissible may be considered, if applied for by the Petitioner.

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

(K.R. Mohapatra)
Vacation Judge



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