

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15126 of 2022

Trinath Mohanty

....

Petitioner

Mr. B.S. Tripathy-I, Advocate

-versus-

Collector, Rayagada and another

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.06.2022

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:

“On the facts and in the circumstances stated above, your petitioner, therefore, prays that this Hon’ble Court be pleased to;

- i) quash the impugned order of transfer No.1423 dt.15.06.2022 of the opp.party No.1 under Annexure-4 by holding the same as not only bad, illegal and contrary to the GA Dept. Resolution dt.13.12.1991 under Annexure-6; and thereby;
- ii) direct the opp.parties to allow the petitioner to continue at his present place of posting at Tahasil Office, Gunupur where his wife is continuing as Asst. Teacher;
- iii) pass such other order(s) as deemed fit and proper in the bonafide interest of justice and fair play;”

4. Learned counsel for the petitioner submits that the petitioner has been transferred twice within a period of four years. He further submits that the wife of the petitioner is still serving in Gunupur. Further, relying upon the resolution of G.A. Department dated 13.12.1991, all endeavour to ensure to the spouse should be posted as far as possible in one station or in the neighbour station not being their home districts to avoid their separation from their family.

5. Learned counsel for the State, on the other hand, submits that the transfer is an incident for a Government servant and the petitioner cannot chose the place of posting and that the petitioner is duty bound to the place of posting.

6. Considering the aforesaid submissions made by learned counsel for the parties, resolution dated 13.12.1991 and limited nature of grievance of the petitioner involved in the present writ petition, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim before the Collector, Rayagada-Opposite Party No.1 within a period of ten days from today. In the event such a representation is filed within the aforesaid period, the authorities concerned shall do well to consider the case of the petitioner and shall take into consideration the resolution of the G.A. Department Government of Odisha under Annexure-6. Further, it is open for the petitioner to bring the notice of the Opposite Party No.1 Government decision on regular circular extending such benefit to the similarly situated persons. Further Opposite Party No.1 is directed to consider the representation of the petitioner in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of filing of fresh representation. Any

decision so taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

7. Further, it is directed that till a decision is taken on the representation of the petitioner, the transfer order dated 15.06.2022 under Annexure-4 shall not be given effect to.

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

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

Jagabandhu

