

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15266 of 2022

Sarat Chadra Ojha

....

Petitioner

Mr. Amiya Kumar Chhatoi, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.06.2022

Order No.

W.P.(C) No.15266 of 2022 & I.A. No.8147 of 2022

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:

“In view of above facts and circumstances stated above the petitioner prays that, this Hon’ble Court may be pleased to admit the Writ Application, issue a writ in the nature of writ of Mandamus or any other appropriate writ/writs, direction/ directions, order/ orders, issue appropriate order by quashing the impugned order of transfer dated 13.06.2022(Annexure-2) with respect to the petitioner issued by the Opp.Party No.2;

And further the Hon’ble Court may be pleased to direct the Opposite parties more particularly Opposite Party No.2 to allow the Petitioner to continue under the administrative control of Assistant director of Horticulture, Bhubaneswar till the date of his retirement from the service i.e. on

29.02.2024.

And further be pleased to issue pass any other order/orders as the Hon'ble Court deems fit and proper.”

4. It is submitted by learned counsel for the petitioner that being aggrieved by order of transfer No.6177 dated 13.06.2022, the petitioner has filed the present writ petition. He further submits that the petitioner will retire from service on 29.02.2024 and he has been transferred from the office of the Assistant Director of Horticulture, Bhubaneswar (Opposite Party No.3) to the office of Assistant Director of Horticulture, Athagarh (Opposite Party No.3)

5. Further, it is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 18.06.2022 under Annexure-7 before the Director of Horticulture, Odisha, Bhubaneswar-Opposite Party No.2, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

6. Learned counsel 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.

7. 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 Director of Horticulture, Odisha, Bhubaneswar-Opposite Party No.2 to consider the representation of the petitioner dated 18.06.2022 under Annexure-7 taking into account the Annexures-3, 5 and 6 in accordance with law within a period of six 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. Any decision so taken on the said

representation shall be communicated to the petitioner within a period of two weeks thereafter.

8. Further, it is directed that till a decision is taken on the representation of the petitioner, the transfer order dated 13.06.2022 under Annexure-2 shall not be given effect to.

9. With the aforesaid observation and direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application in course of the day.

Jagabandhu

