

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15363 of 2022

Sudhir Kumar Rout **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.10.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. K.C. Sahu, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the Opp. Parties.
3. This writ Petition has been filed by the Petitioner challenging the order of deployment passed by the O.P. No. 2 on 14.06.2022 under Annexure-4.
4. It is submitted that the Petitioner is a district cadre employee and continuing in the office of Chief District Agriculture Office, Boudh. It is submitted that the Petitioner in view of his status as a district cadre employee cannot be deployed to another district. This Court after going through the grounds taken in the writ Petition, passed an interim order on 22.06.2022 by staying the operation of the order dtd.14.06.2022. It is also submitted that pursuant to the said interim order the Petitioner is continuing in the establishment of O.P. No. 3 till date.
4. Mr. Sahu, learned counsel for the Petitioner submitted that taking into account the dearth of the employee in the office of O.P. No. 3,

the said Opp. Party vide his letter No. 795 dtd.22.06.2022 and letter No. 971 dtd.10.08.2022 has requested the O.P. No. 2 to reconsider the order of deployment passed against the Petitioner vide the impugned order dtd.14.06.2022. It is also submitted that since no sufficient staff is available in the office of O.P. No. 3, the said Opp. Party has requested the O.P. No. 2 to allow the Petitioner to continue in his office. Accordingly, it is submitted that in view of such development taken place during pendency of the matter, O.P. No. 2 be directed to take a fresh decision basing on the request made by O.P. No. 3.

5. A counter affidavit is filed in Court today by the O.P. No. 2, wherein it has been indicated that the Petitioner has not been put under transfer and instead have been redeployed on administrative ground to the office of Chief District Agriculture Officer.

6. It is also submitted that even though the Petitioner will be deployed to Sundargarh, but his salary will be drawn from the office of O.P. No. 3. This Court does not appreciate such action of the O.P. No. 2 in deploying the Petitioner to Sundargarh and with a direction that his salary will be drawn at Boudh.

7. Be that as it may, taking into account the request made by the O.P. No. 3 vide his letter No.795 dtd.22.06.2022 and letter No. 971 dtd.10.08.2022, this Court is inclined to quash the order of deployment passed on 14.06.2022. While quashing the same, this Court directs the Opp. Party No. 2 to take a fresh decision taking into account the request made by the O.P. No. 3 in the matter. The said reconsideration be made within a period of two (2) months from the date of receipt of this order.

8. However, it is observed that since the Petitioner is continuing in the office of O.P. No. 3, his salary as due and admissible from June, 2022 till date be disbursed within a period of 15 (fifteen) days from the date of receipt of this order.

9. The writ Petition as well as all pending Interim Applications are disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha

