

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15634 of 2022

Bijay Kumar Sahoo

....

Petitioner

Mr. S.J. Mohanty, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. S.N. Pattanaik, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.06.2022

Order No.

W.P.(C) No.15634 of 2022 & I.A. No.8385 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:

“Under the aforesaid facts and circumstances of the case, it is, therefore, most humbly prayed that this Hon’ble Court be graciously pleased to issue Rule NISI, calling upon the Opp. Parties to show cause as to why;

(I) Writ in the nature of Mandamus shall not be issued by declaring the order of Transfer, so far petitioner is concerned, issued by Opp.Party No.2 bearing order XXA-Gen-1/2018-3846/Estt-III Dated 10.06.2022 (under Annexure-1) is illegal, arbitrary and the same is made in contravention of GA Department Resolution No.24003/Gen dated 16.08.2001 (i.e. U/Annexure-2)

(II) Why the order of transfer only in respect of petitioner shall not be declared as illegal solely on the grounds prior to transfer there is no options sought for, from the petitioner for transfer as the

petitioner has successfully completed his service in Phulbani in the district of Kandhamal for more than period of three years.

(III) Why the transfer of the petitioner should not be made as per the option/choice given by the petitioner in his representation dated 21.06.2022.

And pass any other order/orders as would be deemed fit and proper in the facts and circumstances of the present case,”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 21.06.2022 under Annexure-3 before the Auditor General Co-operative Societies, Odisha-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.

5. 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.

6. 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 Auditor General Co-operative Societies, Odisha-Opposite Party No.2 to consider the representation of the petitioner dated 21.06.2022 under Annexure-3 taking in account Annexure-2 in accordance with law within a period of four 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.

7. Further, it is directed that till a decision is taken on the representation of the petitioner, the transfer order dated 10.06.2022 under Annexure-1 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 in course of the day.

Jagabandhu

