

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16431 of 2022

Rohit Ku. Deheri

....

Petitioner

Mr. Surendra Kumar Gartia, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.07.2022

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.

3. The present writ petition has been filed by the Petitioner challenging his transfer order dated 30.06.2022, passed by the Collector & District Magistrate, Bargarh under Annexure-2. In the impugned order, the Petitioner has been transferred from Sub-Collector Office, Padampur to Paikmal Tahasil, Bargarh. It is submitted by learned counsel for the Petitioner that Petitioner has suffered a brain stroke recently and went into comma for quite some time, for which, he has been undergoing treatment at Bhubaneswar. Further it is submitted in the event he is transferred from the present place of posting to a new place at Paikmal Tahasil, Bargarh, he will face lot of difficulties for his treatment. It is submitted that ventilating his grievance, Petitioner has approached the RDC (N.D.), Sambalpur-Opposite Party No.2 by filing an appeal dated 03.07.2022

under Annexure-4, which is stated to be pending before the Authority for consideration.

4. Learned counsel for the State on the other hand submits that since the matter is pending before the RDC (N.D.), Sambalpur, Opposite Party No.2, he may be directed to consider the appeal of the Petitioner within a stipulated period of time.

5. Considering the aforesaid submissions, this Court feels it appropriate to dispose of the writ petition at the stage of admission by directing the Opposite Party No.2 to consider the appeal of the Petitioner dated 03.07.2022 under Annexure-4 within a period of six weeks from the date of production of certified copy of this order. It is open for the Petitioner to file any additional documents before the said Authority along with the certified copy of this order for due consideration of the same. In such event, Opposite Party No.2 shall do well to consider the case of the Petitioner taking into consideration the fact that the Petitioner has suffered a brain stroke and as such requires constant medical attention, which may be an issue at the new place of his posting and dispose of the same in accordance with law. It is further directed that till the appeal is disposed of by the Opposite Party No.2, the order of transfer dated 30.06.2022 under Annexure-2 shall not be given effect to. It is also made clear that this Court has not expressed any opinion on the merits of the case.

6. With the above direction, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules in course of the day.

(A.K. Mohapatra)
Judge