

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16555 of 2022

Sitaram Bagh

....

Petitioner

Mr. Rabi Narayan Mohanty, Advocate

-versus-

The Govt. 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 with the following relief:

“Under the facts and circumstances stated above, therefore, it is humbly prayed that this Hon’ble Court may graciously be pleased to admit this writ application and issue a “Rule-Nisi” calling upon the Opposite Parties to show-cause as to why writ/writs, direction/ directions in the nature of Mandamus shall not be issued to the opposite Party No.1 to 4 and after hearing the parties this Hon’ble Court may be pleased to set-aside the order of transfer vide Order No.9453,dtd. 30.06.2022 of the Opp. Party No.2 for the interest of justice.”

4. It is submitted by learned counsel for the Petitioner is a physical handicapped person and is in a condition that he is undergoing treatment for his ailment at Sundargarh where he is

posted at present. Pursuant to order dated 30.06.2022 under Annexure-3, the Registrar of Cooperative Society, Odisha, Bhubaneswar transferred the Petitioner from DRCS Sundargarh to ARCS Malkangiri. On perusal of the impugned order it appears that Petitioner has been transferred on promotion as he is working as DRCS Sundargarh. It is further submitted by learned counsel for the Petitioner that due to the health condition of the Petitioner, Petitioner is unable to move and at the moment he is posted at Sundargarh for the purpose of his treatment. He further submits that Petitioner has submitted a representation to the Registrar of Cooperative Society, Odisha, Bhubaneswar, Opposite Party No.2 on 5.7.2022, which according to the Petitioner is pending for consideration.

5. Learned Additional Government Advocate for the State on the other hand submits that if any such representation as stated by the Petitioner is pending before the Authority, the Authority may be directed to dispose of the same within a stipulated period of time taking into consideration the health condition of the Petitioner.

6. Considering the submissions made and keeping in view the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case disposes of the writ petition at the stage of admission by directing the Opposite Party No.2 to consider the representation of the Petitioner, which is stated to have been filed on 5.7.2020. If such representation is pending before him, the same shall be considered and disposed of within a period of four weeks from the date of production of certified copy of this order. Further he is also directed to consider the representation of the Petitioner taking into account the documents produced by the Petitioner in connection with his health condition conditions and

dispose of the same by passing a speaking and reasoned order. Decision so taken shall be communicated to the Petitioner within a period of ten days. It is further directed that no coercive action shall be taken against the Petitioner pursuant to Annexure-3, so far as present Petitioner is concerned till a decision is taken on the representation of the Petitioner.

7. With the above direction, the writ petition stands disposed of.
8. Issue urgent certified copy as per rules in course of the day.

(A.K. Mohapatra)
Judge



U.K. Sahoo