

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16571 of 2022

Janardan Bal

....

Petitioner

Mr.Bidyadhar Mansingh, Advocate

-versus-

***APC cum Addl. Chief Secy,
Department of Agriculture &
Farmers Empowerment & others***

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.07.2022

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 the learned Additional Standing Counsel.
3. The present writ petition has been filed with the following prayer.

“The Petitioner most respectfully prays that this Hon’ble Court may graciously be pleased to admit/allow this writ petition and after hearing the parties quash the order of transfer under Annexure-1 in view of Hon’ble Apex Court judgment forthwith.

And/or pass any such other order(s)/direction(s)/writ(s) as are deemed just and proper.”

4. It is submitted by the learned counsel for the Petitioner that challenging his transfer at the fag end of his career the Petitioner has submitted a representation before the Additional Chief Secretary-cum-Agriculture Production Commissioner, Department of

Agriculture & Farmers Empowerment, Government of Odisha, Opposite Party No.1 under Annexure-5 on 04.07.2022. He further submits that transfer is an incident of service, the Petitioner cannot request for transfer or choice of posting while in service.

5. Learned Additional Standing Counsel for the State submits that since the representation is pending with the Opposite Party No.1, the Opposite Party No.1 shall take a decision in the matter in accordance with law within a stipulated time.

6. Considering the submissions advanced by the learned counsel for the respective parties, this writ application is disposed of at the stage of admission with a direction to consider the representation of the Petitioner under Annexure-5 and pass a reasoned and speaking order within a period of four weeks from today.

7. Till a decision is taken on the representation of the Petitioner, Annexure-1 shall not be given effect to if the Petitioner has not yet been relieved in the meantime.

8. With the aforesaid observation the writ application stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge