

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16615 of 2022

Lalmohan Soren

....

Petitioner

Ms.B.KPatnaik, Advocate

-versus-

State of Odisha & another

....

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 learned Additional Standing Counsel for the State.
3. The present writ application has been filed by the Petitioner for quashing the order of suspension dated 18.11.2016 as well as for a direction to the Opposite Parties to reinstate the Petitioner as Deputy Director, Mines with all consequential benefits as is due and admissible to the Petitioner as per law.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner got involved in Vigilance case. During pendency of the vigilance case, the other co-accused persons who were in Government service have been given promotion pending vigilance case, however, the case of the Petitioner has not been considered by the authority. Being aggrieved by the conduct of the authority, the Petitioner has approached the authority by filing a detailed representation before the Opposite Party No.1. It is stated that the same is pending with Opposite Party No.1 and no decision is taken on the representation of the

Petitioner as of now.

5. Learned Additional Standing Counsel on the other hand submits since the matter is pending before the Opposite Party No.1 and considering the allegations made in the writ application, it is desirable that the Opposite Party No.1, who is the competent authority shall take a decision in the matter taking into consideration on the subject within a stipulated period of time.

6. Having heard the contentions of the learned counsel for the parties and upon perusal of the writ application and the documents annexed there with, this Court is of the considered view that without keeping this matter pending this matter is disposed of directing to consider the representation of the Petitioner in the light of the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary-vrs.-Union of India in Civil Appeal No.1912 of 2015. In such view of the matter the Opposite Party No.1 is directed to consider the representation of the Petitioner under Annexure-3 series within a period of six weeks from the date of production of certified copy of this order taking into consideration the law laid down by the apex court in the case of Ajay Kumar Choudhary (supra). The decision so taken shall be communicated to the Petitioner within 10 days thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge