

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.19443 of 2022

Mahendranath Pradhan

....

Petitioner

Mr. Jyotirmay Gupta, Adv.

-versus-

State of Odisha & Ors.

....

Opp Parties

Mr. Saswat Das, AGA

(for opp. party Nos.1 to 3)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
05.08.2022

05.

W.P.(C) No.19443 of 2022 & I.A. No.10408 of 2022.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned Additional Government Advocate.
3. In this writ petition, the petitioner has sought for a direction to the Collector, Cuttack as well as the District Welfare Officer to cancel his transfer order vide Memo No.2042 dated 26.07.2022 by considering the application dated 27.07.2022 under Annexure-5 submitted before the O.P.No.3/Collector, Cuttack through proper channel.

4. The facts of the case, in brief, is that the petitioner was appointed as Hindi Teacher in Polama Ashram School, K. Singhpur Block in Koraput district. After being transferred to different places, he was transferred to Govt. High School at Bisinahakani in the district of Cuttack as per office order vide Memo No.2715 dated 06.09.2001 at the fag end of service career, and now he is still continuing there. Taking into account the birth date, when he is going to retire from service on 30.04.2023, all of a sudden, he was served with a notice by the District Welfare Officer, Cuttack vide office of the Collector, Cuttack, Social Welfare Section Office Memo No.2042 dated 26.07.2022 for transfer to Govt. Girls' High School, Madhapur which is near about 80 Kms from the present place of his posting. Hence, this writ petition.

5. Learned counsel for the petitioner submits that since there are barely 8 months to go for retirement of the petitioner, he should not have been disturbed by such transfer. That apart, the petitioner being a cardiac patient, it has become difficult on his part to move to such a distant place and also he is being deprived of a peaceful retiring age of life. Further, the petitioner is suffering from cardiac problem for the last fourteen years

and he is being treated at S.C.B. Medical College & Hospital, Cuttack. It is further submitted that the petitioner has submitted application dated 27.07.2022 before the Collector/ O.P.No.3 under Annexure-5 specifically mentioning about not to disturb at the fag end of service, which has not been taken into consideration as yet.

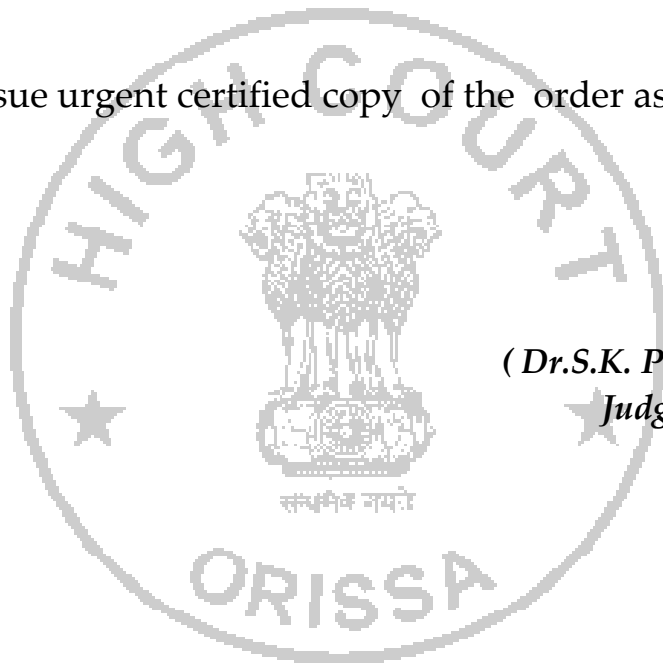
6. Learned Additional Government Advocate although concedes the facts of submission as made by the learned counsel for the petitioner but he has expressed about some administrative exigency in the case of such transfer of the petitioner.

7. Considering the petitioner's fag end of service career and his age related illness including the cardiac problem, without expressing any opinion on the merits of the case, this Court disposes of the writ petition directing the opposite party No.3 to take a decision on the representation filed by the petitioner vide Annexure-5 within a period of one month from the date of production of authenticated/ certified copy of this order by the petitioner.

8. In the meantime, the notice issued by the District Welfare Officer, Cuttack vide office of the Collector, Cuttack, Social Welfare Section Office Memo No.2042 dated 26.07.2022 shall remain stayed till disposal of the representation of the petitioner under Annexure-5.

9. With the aforesaid observation, the writ petition as well as I.A are accordingly disposed of.

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



(Dr.S.K. Panigrahi)
Judge

LB