

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22584 of 2022

Khirod Chandra Rout

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.09.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S. D.Routray learned counsel for Petitioner and Mr. B.Panigrahi, learned Addl. Standing Counsel for the State- Opposite Parties.
3. The present Writ Petition has been filed with the following prayer:-

“(i) Admit the writ application.

(ii) Call for the record.

(iii) Issue Rule Nisi calling upon the opposite parties to show cause as to why the order of suspension dated 08.07.2022 under Annexure-6 shall not be quashed.

(iv) If the opposite parties do not show cause or show insufficient cause issue a writ in the nature of certiorari or any other appropriate writ/ writs, order/orders, direction/directions by quashing the order of suspension dated 08.07.2022 under Annexure-6.

(iv) Issue a writ in the nature of mandamus or any other writ/ writs direction/directions directing the opposite parties to reinstate the petitioner in his service and allow him to continue as Tax Collector under Talcher

Municipality and further extend him with all the consequential service and financial benefits”.

(v) And/or pass such other order/orders, direction/directions as this Hon’ble Court may deems fit and proper for the ends of justice”.

4. Learned counsel for the Petitioner submits that the Opposite Party No.2 is not competent to place the Petitioner under suspension as the Petitioner is continuing under Talcher Municipality, and it is the Municipality only being the appointing authority is competent to pass such order of suspension.

5. It is also submitted that in on an earlier occasion when the Opposite Party No.1 passed an order of deployment vide order dated 06.08.2019 under Annexure-3-Series deploying the Petitioner to another place, the same was challenged before this Court in W.P.(C) No.14219 of 2019. This Court vide order dated 18.03.2021 was pleased to set aside the said order on the ground that the Petitioner being an employee under Opposite Party No.4, Opposite Party No.1 is not authorized to pass such order of deployment.

6. It is accordingly submitted that in view of such order passed by this Court in the above noted writ petition, the Opposite Party No.2 is also not competent to pass the order of suspension under Annexure-6.

7. In that view of the matter and taking into account the submissions made by Mr. Routray, learned counsel for the Petitioner, this Court while disposing the Writ Petition permits the Petitioner to move an application in that regard before the Opposite Party No.2. It is however observed that if any such an application is moved within a period of seven days from today, the Opposite Party No.2 shall consider the same in accordance with law and taking into account the earlier order passed by this Court and pass a lawful and reasoned order within a

further period of fifteen (15) days. Till a decision is taken by the Opposite Party No.2, no further coercive action shall be taken against the Petitioner.

8. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

