

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3270 of 2010

Dr. Arun Kumar Samal **Petitioner**

-versus-

State of Odisha & Ors. **Opposite Parties**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
22.12.2022**

Order No

- 09.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. J.K. Rath, learned Sr. Counsel appearing for the Petitioner and Mr. A.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed with the following prayer:-

“In view of the facts mention in Paragraph-6 above, the applicant prays for the following relief (s):-

Under the above circumstances, it is therefore, humbly prayed that this Hon'ble Tribunal be graciously pleased to quash the order passed by the Opp. Party No.1 vide Annexure-12 to the Original Application and be pleased to direct the Opp. Parties, more particularly the Opp. Party No.1 to take a decision on the memorial/representation filed by the petitioner vide Annexure-14 to the original Application pursuant to the communication made vide Annexure-13 to the Original Application from the Secretariat of the Hon'ble Chief Minister of Orissa and to allow the petitioner to function in the Department of Ophthalmology or as a specialist in such discipline as prayed by the petitioner in Annexure-14.

And the Hon'ble Court be pleased to direct the Opp. Parties to treat the petitioner to be continuing in the Medical Education Service and to extend the benefit of promotional posts such as Associate Professor and Professor by taking into consideration of his initial date of joining as a Lecturer and to extend the consequential service benefits thereto."

4. It is contended that against the order of dismissal though the Petitioner has moved a representation/memorial before the O.P. No. 1 vide Annexure-14 to the writ petition, but no decision has either been taken or communicated to the Petitioner.

5. Mr. A.P. Das, learned ASC on the other hand submitted that he has got no specific instruction with regard to disposal of the representation/memorial so filed by the Petitioner under Annexure-14.

6. Considering the submissions made and taking into account the grounds taken in the writ petition, this Court while disposing the writ petition, directs Opp. Party No. 1 to take a lawful decision on Annexure-14, if it has not yet been done in the meantime within a period of two (2) months from the date of receipt of this order. Petitioner is directed to produce a copy of this order before O.P. No. 1 within a period of (7) days from the date of receipt of this order. If prior to receipt of this order some order has been passed in disposing Annexure-14, the same shall also be communicated to the Petitioner within the aforesaid time period. However, liberty is granted to the Petitioner to challenge any such order that will be either passed or communicated.

7. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha