

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2722 of 2018

Binapani Pattnaik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.09.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.
3. It is submitted that the Petitioner while continuing as a Multipurpose Health Worker (Female) vide order dtd.10.02.2014 of the CDMO, Kandhamal under Annexure-1, she made her application pursuant to the advertisement issued by the CDM & PHO –Cum- District Mission Director, Boudh under Annexure-2.
4. It is submitted that the Petitioner after facing due selection in terms of the said advertisement the Petitioner was duly allowed and appointed vide order dtd.05.09.2018 under Annexure-4 and after being relieved by the CDMO, Kandhamal on 12.09.2018 under Annexure-5, she joined in the Establishment of CDMO, Boudh pursuant to the order issued on 28.9.2019 under Annexure-7.
5. It is submitted that the said joining of the Petitioner was also duly accepted vide order dtd.04.10.2018 under Annexure-8. Mr.

Mohanty, learned counsel for the Petitioner submitted that subsequent to her new assignment CDMO, Boudh without issuing any show-cause or without affording any opportunity of hearing cancelled the selection of the Petitioner vide order dtd.03.11.2018 under Annexure-9 and directed the Petitioner to revert back to her previous place of posting under CDM & PHO, Kandhamal.

6. Mr. Mohanty submitted that challenging the said order dtd.03.11.2018 the Petitioner approached this Court in the present writ Petition. Learned Tribunal initially vide order dtd.15.11.2018 while dealing with the matter while issuing notice of the writ Petition passed an interim by showing the operation of the order dtd.03.11.2018. It is further submitted that pursuant to the said order the Petitioner is also allowed to continue in the Establishment of CDMO, Boudh till 28.12.2018. But thereafter when the Petitioner not allowed to continue, filed C.P. No.30 of 2019, which has been renumbered as CONTC(CPC) No. 30 of 2019.

7. A counter affidavit has also been filed by justifying the order passed on 03.11.2018 under Annexure-9. Even though the matter is otherwise ready for final hearing, but while taking up the matter Mr. Mohanty submitted that in view of the light of the Petitioner for not being in his office on 28.12.2018, she is no more interested to continue with the present writ Petition and the Petitioner is ready to join in her original place of posting under CDMO, Kandhamal.

8. In view of such submission made by Mr. Mohanty, learned counsel for the Petitioner this Court while disposing the writ Petition permits the Petitioner to move the O.P. No. 2 in that regard. It is observed that if any such application is made by the Petitioner expressing her intention to rejoin under O.P. No. 2, O.P. No. 2 shall

allow the Petitioner such rejoining within a further period of 15 (fifteen) days.

9. It is however observed that the period for which the Petitioner remained out of employment, she cannot claim any benefit either financially or any claim whatsoever in that regard.

10. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

