

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.26780 of 2022

Rabindra Pradhan Petitioner

Mr. K.K. Swain, Advocate

-versus-

1. State of Odisha

**2. The Collector -cum-
District Magistrate,
Ganjam**

**3. The Project Director,
D.R.D.A., Ganjam**

**4. The Sarpanch, Erendra
Grama Panchayat**

**5. The Junior Engineer,
Sanakhemundi Block**

**6. The Panchayat
Executive Officer (P.E.O.),
Erendra Grama Panchayat**

7. Gangadhar Nahak Opp. Parties

Mr. Saswat Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

31.10.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner as well as learned Additional Government Advocate for the State of Odisha.

This Writ Petition has been filed by the petitioner with a prayer to direct the opposite parties nos.2 and 3 to dispose of his representation under Annexure-6 and in alternative to quash his disengagement order under Annexure-4.

The petitioner was appointed as Gram Rozgar Sevak by the Project Director, D.R.D.A., Ganjam in Erendra Gram Panchayat vide letter No.2441/DRDA dated 03.05.2010 under Annexure-1. A show cause notice was issued against him by the Project Director, D.R.D.A., Ganjam vide letter No.3758 dated 31.03.2018 on the accusation that he had generated muster rolls and paid the wage amount against the job seekers of two persons, namely, Maluni Nayak and Binod Baral but during local enquiry, it was ascertained that those job seekers had expired since three to four years back. The petitioner submitted his show cause before the Project Director, D.R.D.A., Ganjam and ultimately vide office order dated 02.05.2018 by the order of the Collector -cum- D.R.C., Ganjam, the Project Director, D.R.D.A., Ganjam on careful examination of the merits of the case, concluded that the further continuation of the petitioner as G.R.S. in Erendra Gram Panchayat under Sanakhemundi Block is not justified and accordingly, he was disengaged on disciplinary ground.

It is submitted by the learned counsel for the petitioner that some representations were filed before

the Collector, Ganjam vide Annexure-6 series and in fact, in the writ petition, a prayer has been made for a direction to the opposite party no.2 The Collector -cum- District Magistrate, Ganjam to dispose of such representations.

Mr. Saswat Das, learned Additional Government Advocate produced the Comprehensive Guidelines for Selection & Engagement of Gram Rozgar Sevak (GRS) under MGNREGS which is dated 06.04.2018 in which it is mentioned as follows:-

"Before terminating the contract, the Collector -cum- CEO, Zilla Parishad should issue show cause notice against the erring GRS specifying the charges attributable to him/her giving reasonable opportunity to show cause in writing within thirty days from receipt of the show cause notice. If the said GRS desires to be heard in person, he/she may be given reasonable opportunity of being heard in person. If the Collector -cum- CEO, Zilla Parishad is inclined to believe that the reply to the show cause submitted by the GRS is not satisfactory and the charges levelled against him tantamount to gross misconduct, the Collector -cum- CEO, Zilla Parishad can terminate the contract and disengage the GRS.

Appeal:

If the GRS is aggrieved on the order of the Collector -cum- CEO, Zilla Parishad, he may prefer appeal within thirty days of such order of the Collector -cum- CEO, Zilla Parishad before the Director, Special Projects who is the Appellate Authority. The Appellate Authority i.e. Director, Special Projects may give reasonable opportunity of being heard to the aggrieved GRS and dispose of the appeal within three months of receipt of the appeal under intimation to the parties. The decision of the Appellate Authority i.e. Director, Special Projects will be final and binding."

In view of such provision, when an appeal is provided against the disengagement order dated 02.05.2018, Mr. K.K. Swain, learned counsel appearing for the petitioner seeks permission to withdraw this writ petition to approach the Appellate Authority and further prays that since the time stipulation prescribed for preferring the appeal has already been expired, he intends to file an application for delay in filing the appeal and the same may be favourably considered.

Considering the submissions made by the learned counsel for the respective parties, it is observed that in the event, the petitioner prefers an appeal before the Director, Special Projects against the order under

Annexure-4 on or before 30.11.2022 with an application of condonation of delay, the same shall be considered in accordance with law.

With the aforesaid observation, the writ petition is disposed of.

A free copy of this order be handed over to the learned counsel for the State.

Urgent certified copy of this order be granted on proper application.



RKM