

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26907 of 2022

Simanchal Pallo

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

20.10.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Ms. S. Das, learned counsel for the Petitioner and Mr. B. Panigrahi, learned ASC appearing for the Opp. Parties.

3. This writ Petition has been filed by the Petitioner challenging the order dtd.15.09.2022 passed by the O.P. No. 2 under Annexure-6.

4. It is submitted that challenging the order of transfer from Jeypore Municipality to NAC, Baliguda, the Petitioner approached this Court in W.P.(C) No. 3816 of 2022 and this Court vide order dtd.09.02.2022 disposed of the said writ Petition with a direction on the O.P. No. 2 to reconsider the matter.

5. It is submitted that without considering the Petitioner's grievance in proper perspective, the prayer of the Petitioner was rejected only on the ground that the post the Petitioner is holding is a transferrable one.

6. This Court after going through the materials available on record finds that the O.P. No. 2 while rejecting the Petitioner's claim vide the impugned order has not taken into consideration the present condition of the Petitioner after he lost his wife due to suffering from cancer. The said Opp. Party has also not taken into consideration the genuine difficulties of the Petitioner in taking care of his minor children.

7. Therefore, this Court taking into account the present position of the Petitioner is inclined to quash the order dtd.15.09.2022 passed under Annexure-6. While quashing the same, this Court directs the O.P. No. 2 take a fresh decision in the matter by taking a sympathetic view of the situation. O.P. No. 2 is directed to pass a fresh order within a period of two (2) weeks from the date of receipt of this order. Till such a decision is taken, no coercive action shall be taken against the Petitioner.

8. The writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha