

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26931 of 2022

Subal Hota Subal Chandra Hota* *Petitioner

Mr.P.K.Tripathy, Advocate

-versus-

State of Odisha and others* *Opposite Parties
Mr.T.K.Patnaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
 3. The Petitioner has filed the present writ application with the following prayer:

“It is most respectfully prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi calling upon the Opposite Parties more particularly O.P.Nos.3 & 4 to show cause as to why

 - a) The order of disengagement under Annexure-10 dated 24.02.2022 issued by O.P.No.4 on the plea that the Petitioner is junior most driver on daily wage shall not be set aside and direction shall not be given to re-engage the Petitioner to the post of driver with back wages and regularize his service;

- b) Non-consideration of representation of the Petitioner under annexure-11 and 12 shall not be declared as illegal and arbitrary;

If the Opposite Parties fail to show cause or show insufficient cause, the said rule be made absolute.

This Hon'ble Court may pass appropriate order/ordes, direction/directions as deem just and proper for the interest of justice.

4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the C.C.F.(K.L.), Balangir Circle, Balangir, Opp.Party No.3 on 27.2.2022 under Annexure-12 and Divisional Forest Officer, Balangir (K.L.) Division, Opposite Party No.4 on 25.02.2022 under Annexure-11. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party Nos.3 & 4 to consider the representation of the Petitioner under Annexure-11 and 12 within a stipulated period of time.

5. Learned Additional Standing Counsel submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party Nos. 3 & 4, which is stated to be pending in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party Nos. 3 & 4 to consider the representation of the Petitioner under Annexures-11 and 12 in accordance with law within a period of eight weeks from the date of production of certified copy of this order. The Opposite Party Nos. 3

& 4 shall do well to dispose of the representation of the Petitioner under Annexure-11 & 12 by passing a speaking and reasoned order taking into consideration the Muster Roll if available after providing opportunity of hearing to the Petitioner.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

*(A.K. Mohapatra)
Judge*

