

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.1864 of 2015

Jibanananda Pati

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.12.2022

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Manas Pati, learned counsel for the Petitioner and Mr. A.P. Das, learned Addl. Standing Counsel appearing for the Opp. Party No. 1.
3. Pursuant to the order passed by this Court on 23.06.2022 the instruction provided by the Govt. in the Department of Housing & Urban Development Department vide letter dtd.23.11.2022 was produced before this Court. From the said instruction it is found that pursuant to the order issued under Annexure-2 on 13.02.2013 the appointment letter though was issued in favour of the Petitioner, but it returned back on the ground of insufficient address indicated in the postal envelope. This Court after further perusal of the matter found that the name of the Petitioner as well as the name of the village has been wrongly typed in the envelope containing the order of appointment and accordingly, the order of appointment could not be received by the Petitioner. Because of such negligence on the part of the Opp. Party the Petitioner even though was duly selected, but could not join in his post. This Court further finds that the

Petitioner on coming to know that he has not been able to join due to non-receipt of the order of appointment, though moved the O.P. No. 1 and thereafter moved the learned Tribunal in O.A. No. 42 of 2015, but the O.P. No. 1 on the face of such admitted latches in issuing the order of appointment in a wrong address did not consider his claim and rejected the claim vide order impugned dtd.17.06.2015 under Annexure-10.

4. After going through the instruction provided by the O.P. No. 1, this Court finds that in fact the order of appointment has not been issued in the correct address of the Petitioner and because of that the Petitioner could not join in his post. Therefore, the rejection of the Petitioner's claim issued vide order at Annexure-10 as per the considered view of this Court cannot be sustained. The other ground taken by the O.P. No. 1 that in the meantime the posts have been filled up by the other candidates, who are placed below the Petitioner is not just a valid ground to deny the appointment to the Petitioner.

5. Accordingly, this Court is inclined to quash the order at Annexure-10 and while quashing the same, directs the O.P. No. 1 to give a posting to the Petitioner as against the post of Junior Assistant in any available vacancy. The said exercise shall be completed within a period of two (2) months from the date of receipt of this order.

6. The writ petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha