

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28243 of 2022

V. Sujata

....

Petitioner

Mr. Aurovinda Mohanty, Advocate

-versus-

The Registrar, Multi State Co-operative Society, Government of Odisha, Bhubaneswar and others

....

Opposite Parties

Mr. T.K. Pattnaik, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

W.P.(C) No.28243 of 2022 & I.A. No.14560 of 2022

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard Mr. S.K. Sarangi, learned counsel for the petitioner as well as Mr. P.K. Rout, learned Additional Government Advocate for the State. Perused the record.
 3. The present writ petition has been filed by the petitioner challenging the order dated 27.09.2022 passed by the opposite party no2 in transferring the petitioner from Waltair Branch to Khurda under Annexure-2.
 4. It is submitted by learned counsel for the petitioner that the petitioner, who is working as senior clerk in East Cost Railways Employees' Cooperative Credit Society Ltd., has been transferred by the Chief Manager-cum-Chief Executive, the S.E., S.E.C. & East Cost Railways Employees' Cooperative Credit Society Ltd.-Opposite

Part No.2 by virtue of the impugned order dated 27.09.2022 under Annexure-3 from Waltair Branch to Khurdha. However, it is further submitted by learned counsel for the petitioner that there is no staff service rule and the petitioner is excess employee for terms of appointment mentioned in the appointment letter dated 14.01.1998 under Annexure-1. On perusal of the terms of appointment, it appears that there is no such provision to transfer the employees during their service carrier. Further in clause (vi) of the conditions of appointment cum-condition of service that the service of the petitioner shall be governed strictly by such rules, orders and instruction would be claimed by the society. Any employee to the said condition, learned counsel for the petitioner submits that there is no such rule to transfer of any employee to the society. Therefore, transfer of the petitioner from Waltair to Khurda is absolutely without jurisdiction.

5. Considering the submissions made, particularly there is no policy rule of the employee of the society, the limited nature of grievance involved in the present writ petition, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a detailed representation by taking all the grounds including the authority of the opposite party no.2 to transfer the petitioner in absence of specific rule of the policy along with supporting documents before the Registrar Multi State Co-operative society, Government of Odisha, Bhubaneswar-Opposite Party No.1 within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the Registrar Multi State Co-operative society, Government of Odisha, Bhubaneswar-Opposite Party No.1 shall do well to consider the case of the petitioner in accordance with law. Further, Opposite Party No.1 is directed to provide an opportunity of hearing to the petitioner at the

time of consideration of representation of the petitioner in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of filing of detailed representation. Any decision so taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

Till a decision is taken on the detailed representation of the petitioner, the transfer order dated 27.09.2022 under Annexure-3 shall not be given effect to.

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

Jagabandhu

