

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 28245 OF 2022

A. Subhadra

....

Petitioner

Mr. Aurovinda Mohanty, Advocate

-versus-

***The Registrar, Multi State Co-operative
Society, Bhubaneswar and others***

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 27th September, 2022 (Annexure-3) passed by the Chief Manager-cum-Chief Executive, East Coast Railway, S.E., S.E.C. & East Coast Railways Employees' Co-operative Credit Society Ltd.-Opposite Party No.3 transferring the Petitioner from Waltair to Khurda.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the Opposite Party No. 3 has no jurisdiction to pass such an order. Moreover, there is no transfer policy governing the field. It is his submission that employee, namely, Smt. Ch. Sreelatha, with similar footing as that of the Petitioner was also transferred by a common order along with the Petitioner. She approached this Court in W.P.(C) No.28248 of 2022, wherein this Court considering her grievance vide order dated 1st November, 2022 disposed of the said writ petition with the following direction:

“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.”

Hence, Mr. Mohanty, learned counsel for the Petitioner submits that the Petitioner should be given equal treatment.

4. Taking into consideration the fact that this Court in the case of similarly situated employee has entertained the writ petition and passed the order, as aforesaid, I do not want to take a different view in this writ petition.

5. In that view of the matter, this writ petition is disposed of with a direction that in the event the petitioner files a detailed representation by taking all the grounds including the authority of

the Opposite Party No.3 to transfer the Petitioner in absence of specific rule along with supporting documents before the Registrar Multi State Co-operative Society, Government of Odisha, Bhubaneswar-Opposite Party No.1 enclosing a certified copy of this order within a period of two weeks from today, 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 may provide an opportunity of hearing to the Petitioner at the time of consideration of representation, if it is felt necessary. The entire exercise shall be completed within a period of four weeks from the date of filing of detailed representation. Any decision so taken shall be communicated to the Petitioner within a period of ten days therefrom.

6. Till a decision is taken on the representation of the Petitioner, if filed within the stipulated period, as aforesaid, the transfer order dated 27.09.2022 under Annexure-3 shall be kept in abeyance, if not given effect to in the meantime.

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

(K.R. Mohapatra)
Judge

bks