

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28595 of 2022

Deepak Kumar Sahu

..... Petitioner
Mr. S.R. Pati, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr. B.Pr. Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
01.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “It is, therefore, humbly prayed that this Hon’ble Court may graciously be pleased to issue a rule Nisi calling upon the opposite parties to show cause as to:-
- Why the office order dated 24.03.2021 under Annexure-1 shall not be declared as illegal, arbitrary, unconstitutional and the same shall not be quashed;
 - Why the Petitioner shall not be allowed to continue as Asst. Secretary in the said society since his service has approved by the Committee of management of the Society.
 - Any order/orders that to deem fit and proper shall not be granted in the facts and circumstances of the case.
- If the opposite parties fail to show cause or show insufficient cause this Hon’ble Court may be pleased to make the rule absolute and pass such

other order/orders as may be deemed fit and proper in the facts and circumstances of the case.”

4. It is submitted by learned counsel for the petitioner that the impugned order dated 24.03.2021 under Annexure-5 is appealable one. In such view of the matter, learned counsel for the petitioner seeks liberty to approach before the appellate authority by filing an appropriate application for appeal and he further seeks a direction to the appellate authority to consider the same within a stipulated period of time.

5. Learned counsel for the State, on the other hand submits that he has no objection if permission is granted to the petitioner to file an appeal before the appellate authority and the same shall be considered and disposed of in accordance with law.

6. Considering the aforesaid submission, limited nature of grievance of the petitioner, this Court disposes of the writ petition granting liberty to the petitioner to file an appeal before the appellate authority ventilating his grievance within a period of two weeks. If such an appeal is filed within the time stipulated, the same shall be considered and dispose of by the said appellate authority in accordance with law within a period of three months thereafter and condone the delay for filing of the appeal as the case is pending before the this Court. The decision so taken on the appeal of the petitioner shall be communicated within ten days thereafter.

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

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

(A.K. Mohapatra)
Judge