

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29049 of 2022

Rajesh Choudhury

Petitioner
....
Mr. L Pradhan, Advocate

-versus-

State of Odisha and others

Opp. Parties
....
Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.11.2022

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 prayed that your Lordship would be graciously pleased to issue a Rule NISI in the nature of mandamus calling upon the Opposite Parties to show cause as to why;

- (i) The leave application dt.09.09.2022 vide Annexure-3 will not be approved, quashing letter No.1071/Agril dt.13.09.2022 vide Annexure-4 and petitioner will not be paid his salary for the said date; and
- (ii) Whether the issuance of order No.1045/Agril dt.08.09.2022 vide Annexure-2 by the O.P. No.3 is justified and proper in service jurisprudence; and
- (iii) Pass any other order/orders as would deems fit and proper;

If the Opposite Parties would failed to show cause or show insufficient or false cause made the said Rule Nisi absolute and allow the writ petition;”

4. It is submitted by learned counsel for the petitioner that C.L. of the petitioner has been cancelled and he has not been paid salary of one day C.L. i.e. 09.09.2022. However, show-cause notice has been issued under Annexure-5 and reply to the show cause under Annexure-6 has already filed by the petitioner, the same is still pending before the said Chief District Agriculture Officer, Boudh-Opposite Party No.3 and the said Opposite Party has not taken any decision as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the Chief District Agriculture Officer, Boudh to consider the grievance of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Chief District Agriculture Officer, Boudh-Opposite Party No.3 to consider the show-cause reply of the petitioner dated 19.09.2022 under Annexure-6 in accordance with law within a period of four weeks from the date of production of certified copy of this order. It is needless to mention here that the show-cause reply of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge

