

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31479 of 2022

Susil Mahakhud

.... ***Petitioner***
Mr. N. Lenka, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. P. Behera, Standing Counsel
(For the Transport Deptt.)

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for Petitioner and learned Standing Counsel appearing for the Transport Department.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“Therefore, it is prayed that this Hon’be Court be graciously pleased to admit the writ application, issue rule NISI in the nature of writ of mandamus or any other writ/writs as deem fit and proper calling upon the opposite parties to show-cause as to why the action of the Opp. Party No.5 in not allowing the petitioner to discharge his duties as DEO in his office shall not be declared as illegal and the Opp. Party No.5 shall not be directed to allow the petitioner to discharge his duties as DEO in his office.

In the event of the opposite parties fail to show cause or show insufficient cause said rule be made absolute.”

4. Considering the prayer made in this writ petition, this Court directs the Petitioner to approach before the authority, i.e., Opposite

Party No.3 first by filing a comprehensive representation taking all the grounds available to him along with supporting documents within a period of three weeks from today and in the event such representation is filed before the Opposite Party No.3, the Opposite Party No.3 shall do well to consider and dispose of the same by a speaking and reasoned order keeping in view the law laid down by the Hon'ble Supreme Court in the case of ***Manish Gupta and Another -Vs.- President Jan Bhagidari Samitee and others*** (Civil Appeal Nos.3084-3088 of 2022, arising out of Special Leave Petition (Civil) No.12946-12950 of 2017, decided on 21.04.2022) within a period of eight weeks from the date of presentation of representation and the decision so taken thereon shall be intimated to the Petitioner within two weeks thereafter. It is further directed that the services of the Petitioner shall not be disturbed till the decision is taken on the representation of the Petitioner. Petitioner is directed to supply the copy of the above noted judgment to the authority along with his representation.

5. With the above observation and direction, the writ petition stands disposed of.

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

(***A.K. Mohapatra***)
Judge