

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32172 of 2022

Srikant Kumar Padhy

....

Petitioner

Mr.Pronoy Mohanty, Advocate

-versus-

***Director of Health Services, Govt.
of Odisha and others***

....

Opposite Parties

Mr.N.K.Praharaj, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.11.2022

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 the learned Additional Government Advocate for the State. Perused the writ application and the documents attached to it.
3. The Petitioner has filed the present writ application with the following prayer:

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi, in the nature of writ of Mandamus and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the Opp.Parties, more particularly O.P.No.1 to show cause as to why they shall not be commanded to consider and dispose of the reply/representation dated 12.09.2022 vide Annexure-22 and issue afresh order of posting in his service as Pharmacist at any suitable place as deem appropriate by the Opp.Parties, within a particular time by affording opportunity of hearing to the Petitioner’

AND

If the Opp.Parties fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi

absolute;

And for this act of kindness, the Petitioner shall as in duty bound ever pray.”

3. It is submitted by the learned counsel for the Petitioner that the Petitioner has submitted his objection in the shape of representation in the enquiry report submitted by the Enquiry Officer. However, the same has not been considered by the competent authority. He further contends that the authorities are likely to take coercive action against the present Petitioner very soon without considering the representation of the Petitioner, which is pending before the Opposite Party No.1, which was filed by the Petitioner on 12.09.2022. Therefore, learned counsel for the Petitioner submits that he has limited grievance before taking any final decision in the matter, the representation submitted by the Petitioner on 12.09.2022 before the Opposite Party No.1 be considered in accordance with law.

4. Considering the limited nature of grievance of the Petitioner, this Court disposes of the writ application at the stage of admission by directing the Opposite Party No.1 to consider the representation of the Petitioner dated 12.09.2022 under Annexure-22 if the same is filed and pending before the Opposite Party No.1, within a period of four weeks before taking any coercive action against the present Petitioner. Any decision taken shall be communicated to the Petitioner within two weeks thereafter.

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

6. Issue urgent certified copy of this order as per Rules.

