

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32431 of 2022

Mahendra Kumar Behera

.... ***Petitioner***
Mr. G.R. Sethi, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
16.12.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard the learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ petition along with the documents annexed therewith.
 3. This writ petition has been filed by the Petitioner with a prayer to direct the Opposite Parties to relieve him in order to enable him to join in his promotional post of Superintending Engineer (Civil) DLO Canal Division, Karanjia under CCE, DEO Irrigation Project, Keonjhar.
 4. It is submitted by the learned counsel for the Petitioner that the present Petitioner was working as an Executive Engineer in the office of Engineer-in-Chief, Water Resources, Odisha, Bhubaneswar. Thereafter, the case of the Petitioner was considered and he has been given promotion to the post of Superintending Engineer (Civil) under the Odisha Engineering Service (Methods of Recruitment and Conditions of Service), Rules, 2012 read with Odisha Engineering

Service (Method of Recruitment and Conditions of Service) Amendment Rules, 2021 vide Notification dated 18.07.2022 issued by the Special Secretary to Government of Odisha, Department of Water Resources under Annexure-2, in which, the Petitioner name find place against Serial No.17 and he has been promoted and transferred as SE, Deo Canal Division, Karanjia under CCE, Deo Irrigation Project, Karanjia. It is further contended by the learned counsel for the Petitioner that despite his promotion and new place of posting, the Petitioner has not relieved by the authorities. Further, the attention of this was also drawn to the order dated 19.07.2022 under Annexure-3 which reveals that the officers who have been promoted along with the Petitioner are directed to be relieved themselves from the existing posts after handing over the complete charge to the officers mentioned against each so as to enable them to join their new place of posting. So far as the present Petitioner is concerned, his name appears at Serial No.13 of the said order and person which supposes to take over the charge from the Petitioner is Sri Dukhu Kisku, EE(C). It is further submitted that the person who has named in the order dated 19.7.2022 under Annexure-3 to take over the charge from the Petitioner is not cooperating and not taking over the charge. As such, the Petitioner approached this Court by filing the present writ petition.

5. Learned counsel for the State, on the other hand, submits that in the event the person, who is named in the order under Annexure-3, to take over charge from the Petitioner is not cooperating, the Petitioner should approach the next higher authority in the hierarchy to make necessary alternative arrangements instead of approaching this Court. Therefore, it is submitted by the learned counsel for the

State that the writ petition at this stage is pre-mature and the same should not have been entertained.

6. Having heard the learned counsel for the respective parties and upon careful consideration of the factual background of the case and also considering the limited nature of prayer, this Court disposes of the writ petition at the stage of admission by directing the Petitioner to approach the Opposite Party No.3 along with a copy of this order and in the event the Petitioner approaches the Opposite Party No.3 within ten days from today, the Opposite Party No.3 shall make necessary arrangement to take over charge of the Petitioner so that the Petitioner will be able to join in his new place of posting.

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

