

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34252 of 2022

Jasobanta Mahalik

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. B.P. Tripathy, AGA

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
16.12.2022**

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 Additional Government Advocate appearing for the State-Opposite Parties.
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 admit the case, call for the records and after hearing both the parties pass the following reliefs;

- i) To quash the suspension order dated 9.6.2022 under Annexure-1.*
- ii) To direct the opposite parties to reinstate the petitioner in service pending final disposal of writ petition.*

And pass such other order/orders, direction/directions as deem fit and proper.”

4. It is submitted by learned counsel for the Petitioner that although the Petitioner has filed representation before the Opposite Party No.2 under Annexure-3, but the same is still pending before the

said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties submits that he has no objection, if a direction is given to the authority concerned to consider the representation of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties and without expressing any opinion on the merits of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.2 to consider and dispose the representation of the Petitioner under Annexure-3 by taking into consideration the judgment of the Hon'ble Apex Court in the case of *Ajay Kumar Choudhary v. Union of India through its Secretary & Anr. (Civil Appeal No.1912 of 2015, arising out of SLP © No.31761 of 2013)*, particularly in the light of the observation made in paragraph-14 of the said judgment wherein it has been categorically held that the period of suspension should not exceed a period of three months, within a period of four weeks from the date of production of certified copy of this order. Any decision so taken on the said representation shall be communicated to the Petitioner within a period of two weeks thereafter.

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

(A.K. Mohapatra)
Judge