

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35010 of 2022

Gourahari Hansdah

....

Petitioner

Mr. Manas Pati, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B. Pr. Tripathy, A.G.A

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

**ORDER
20.12.2022**

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 for the State. Perused the record as well as documents annexed to the writ petition.
3. The present writ petition has been filed by the petitioner with the following prayers:

“The petitioner therefore prays that your lordships may graciously be pleased to quash/modified the impugned order of transfer dated 16.12.2022 under Annexure-1, so far it relates to the petitioner is concerned and direct the Opp. Parties authority to allow the petitioner to continue at the present place of posting at Regional Transport Office, Rairangpur;

And pass such order/directions as this Hon’ble Court may deem fit and proper.”

4. It is submitted by learned counsel for the petitioner that by virtue of order dated 16.12.2022 under Annexure-1, the petitioner

along with others were promoted to the post of Inspector of Motor Vehicles/Additional Regional Transport Officer/Asst. Works Engineer under OTES Cadre, Group-A in the Level 12 of the pay matrix under ORSP Rules, 2017 on adhoc basis for a period of one year or till receipt of the recommendation of OPSC whichever is earlier. However, learned counsel for the petitioner further contended that the petitioner was working as an ARTO at Rayagada and he has been transferred from Rairangpur to IMV, Bolangir vide Notification dated 16.12.2022 under Annexure-1. The various grounds have also been taken by the petitioner in the writ petition on.

5. Learned counsel for the State, on the other hand, submits that the petitioner should have approached the competent authority first and he has been approached this Court by challenging the order of transfer. He further submits that let the petitioner be directed to approach before the Principal Secretary to Government, Department of Commerce and Transport(Transport), Bhubaneswar(Opposite Party No.1) at the first instance and in such view of the matter, a direction may be given to the said Opposite Party to consider the representation of the petitioner in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties and upon conspectus factual background of the case, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim before the Principal Secretary to Government, Department of Commerce and Transport(Transport), Bhubaneswar(Opposite Party No.1) within a period of two weeks

from today. In the event such a representation is filed within the aforesaid period, the same shall be considered strictly in accordance with law within a period of four weeks from the date of receipt of the representation. The same shall be considered and disposed of by passing a speaking and reasoned order within aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. Further, it is directed that till decision is taken on representation of the petitioner as has been directed hereinabove, the order under Annexure-1 shall not be given effect to for a period of six weeks.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

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

(*A.K. Mohapatra*)
Judge