

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.8898 OF 2023

Bhimsen Swain

.... ***Petitioner***

Mr.S. G. Das, Advocate

-versus-

State of Odisha & Others

.... ***Opposite Parties***

Mr.S.K. Mishra, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

31.03.2023

Order No.

02.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. The Petitioner by filing this writ petition has sought for the following relief:-

- (i) A writ of Mandamus or any other appropriate writ/writs shall not be issued directing the Opposite Parties to reengage the present Petitioner as Grama Rojgar Sevak under Dudujhori Grama Panchayat and consider the representation under Annexure-6, in the best interest of justice.
- (ii) If the Opposite Parties fail to show cause or show insufficient cause the said Rule be made absolute.
- (iii) And or pass any other order(s)/ Direction(s) as this Hon'ble Court thinks fit and proper.

3. Keeping in view the submissions made; the averments taken in the petition as well as the documents annexed thereto being gone through, it is seen that the Petitioner had been engaged as Grama Rojagar Sevak (GRS) under Dudujhori Grama Panchayat vide letter of the Collector, Jajpur dated 03.12.2007 and he being implicated in a criminal case i.e. in C.T. Case No.21 of 2018 for commission of offence under

section-420/467/406/34 of the IPC read with section-4/5/6 of the Prize Chits and Money Circulation Scheme (Banning) (PCMCS(B)) Act, 2011 when was arrested and remained in custody for quite some time; he was disengaged by office order dated 03.09.2018. In the meantime, the Petitioner has been acquitted of the charges by the Designated Court. So, at present, the grievance of the Petitioner is that in view of his acquittal of the charges for which he facing the criminal trial, he be reengaged as Grama Rojagar Sevak under that Dudujhori Grama Panchayat.

5. Learned Counsel for the Petitioner submits that in this connection, the Petitioner having made a representation before the Collector-cum-CEO, Zilla Parishad, Jajpur-Opposite Party No.3, that is pending for consideration.

In course of hearing, learned Counsel for the Petitioner prays for disposal of this writ petition with a direction to the Opposite Party No.3 to consider and dispose of the representation of the Petitioner in redressing the grievance within a stipulated time frame.

6. Learned Counsel for the State submits that if said representation is still pending, the Opposite Party No. 3 would consider the same, keeping in view the rules and guidelines holding the field and if so directed it would be disposed of within a time as provided in law.

7. Taking into account all these above, this writ petition stands disposed of with the observation that Opposite Party No.3-Collector-cum-CEO, Zilla Parishad, Jajpur would do well to consider and dispose the representation of the Petitioner, if it is still pending; keeping in view the Rules and the Guidelines

holding the field within a period of four week from the date of production of the certified copy of this order or its communication, whichever is earlier and intimate the result of the same to the Petitioner within a week thereafter.

Issue urgent certified copy as per rules.

(D. Dash)
Judge.

Narayan

