

(2023) 06 OHC CK 0022

In the Orissa High Court

Case No : Writ Petition (C) No.18086 Of 2023

Dr. Jhasaketan Pradhan

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 06-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0022

Hon'ble Judges : Biraja Prasanna Satapathy, J

Bench : Single Bench

Advocate : G.R. Sethi, P.K. Rout

Final Decision : Disposed Of

Judgement

Biraja Prasanna Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. G.R. Sethi, learned counsel appearing for the Petitioner and Mr. P.K. Rout, learned Additional Govt. Advocate
3. The Petitioner has filed the present Writ Petition challenging the order of transfer so passed on 03.06.2023 under Annexure-3 by the Opp. Party No.4.
 - 3.1. It is contended that the Petitioner since is continuing as an Ayush doctor under RBSK, in view of the stipulation contained in Annexure-1, the engagement of the Petitioner is a non-transferable one. It is contended that in view of such stipulation issued by the Government under Annexure-1, Opp. Party No.4 without any authority has placed the petitioner under transfer vide the impugned order dt.03.06.2023 under Annexure-3.
4. Mr. P.K. Rout, learned Additional Government Advocate on the other hand contended that since the Petitioner is continuing in a particular post since 2013, the Opp. Party No.4 has passed the order of transfer under Annexure-3 and it requires no interference.

5. Having heard learned counsel for the parties and taking into account the stipulation contained under Annexure-1, this Court while disposing the Writ Petition permits the Petitioner to move an application before Opp. Party No.2 seeking cancellation of order of transfer so passed under Annexure-3. It is observed that if any such application is moved by the Petitioner before Opp. Party No.2 within a period of 7(seven) days from today, Opp. Party No.2 shall take a lawful decision on the same within a further period of three weeks.

6. Till a decision is taken by opp. Party no.2, operation of Annexure-3, so far as the petitioner is concerned, shall not be given effect to.

7. The Writ Petition is accordingly disposed of.

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