
(2023) 05 OHC CK 0303
In the Orissa High Court
Case No : Writ Petition (C) No. 16483 Of 2023

Narahari Muduli	Vs	APPELLANT
State Of Odisha & Others		RESPONDENT

Date of Decision : 23-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0303

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S.K. Dalai, R.N. Mishra

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. Being aggrieved by the order of transfer dated 29.04.2023 transferring the Petitioner working as a Gram Rozgar Sevak (GRS) from Tentulikhunti Block to Kosagumuda Block on administrative exigency, the Petitioner has approached this Court.
3. It is the primary grievance of the petitioner that the impugned order at Annexure-2 in which the name of the petitioner is at serial No.6 suffers from inherent lack of jurisdiction to transfer a GRS from one block to another.
4. Per contra, learned counsel for the State referring to the comprehensive guidelines for selection and engagement of Gram Rozgar Sevak (GRS) under MGNREGS issued by the Government of Odisha, Panchayati Raj and Drinking Water Department draws the attention of this Court to the provisions of appeal, which is quoted hereunder;

"Appeal:

If the GRS is aggrieved on the order of the Collector-cum-CEO, Zilla Parishad, he

may prefer appeal within 30 days of such order of the Collector-cum-CEO, Zilla Parishad before the Director, Special Projects who is the Appellate Authority. The Appellate Authority i.e. Director, Special Projects may give reasonable opportunity of being heard to the aggrieved GRS and dispose of the appeal within three months of receipt of the appeal under intimation to the parties. The decision of the Appellate Authority i.e. Director, Special Projects will be final and binding.”

5. It is not in dispute that the said guidelines are still in vogue.

6. It is the submission of the learned counsel for the State that in terms to the provisions of the said guidelines, it is open for the Petitioner to file an appeal before the Director, Special Projects and the Director can also consider the question of jurisdiction. Hence, he seeks dismissal of the writ petition.

7. On a conspectus of the materials on record, keeping in view the provisions of appeal, this Court is not inclined to entertain this writ application giving liberty to the Petitioner to prefer an appeal before the Appellate Authority as per the guidelines and the learned counsel for the Petitioner is permitted to implead the Director, Special Project as Opposite Party No.6, in Court.

8. On instruction, learned counsel for the Petitioner submits that notwithstanding the noting in the impugned order at Annexure-2 that by virtue of such order of transfer, an incumbent is deemed to have been relieved w.e.f. 7.5.2023, the Petitioner whose name appears at serial No.6 is still continuing and has not handed over the charge.

9. Considering such submission, in the peculiar facts of the present case and since the very jurisdiction in passing the impugned order is under challenge, on balancing equity inter se, this Court directs that if the Petitioner prefers an appeal within a period of one week hence against the impugned order at Annexure-2, till disposal of the same, status quo as on date in respect of the posting of the Petitioner shall continue and no coercive action shall be taken against him for not joining in the Block to which he has been transferred i.e. Kosagumuda Block.

10. Accordingly, the Writ Petition stands disposed of.

11. Issue urgent certified copy of this order as per rules.

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