



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.859 of 2024

Dipak Mohapatra

....

Petitioner

Mr. S.C. Mekap, Adv.

-versus-

**Collector-cum-D.M.,
Khurda and Others**

....

Opp. Parties

Mr. P.K. Panda, ASC

Mr. A.K. Das, Adv. for O.P.

No.6

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.02.2026

Order No

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer: -

“Under the facts and circumstances mentioned above the present petitioner therefore most humbly prayed that this Hon'ble Court may be graciously pleased to admit the Writ petition and after hearing both the sides may be pleased to issue a writ of Mandamus/certiorari or any other writ or direction which will deem fit and proper to this case”-

A) By recall resolution No. 7 dated 28.2.2023 as well as Log book maintained at Kapileswar PWS Pipe Water Supply under Dia G.P. Block Tangi, Dist-Khurda;



B) Further be pleased to this Hon'ble Court may kindly be quashed/ set aside the impugned order dated 22.12.2023 passed by Collector-cum- District Magistrate, Khurda in High Court Misc. Case No. 7/2023 by selecting opp. Party No.6 within a stipulated period;

C) Pass an order (s)/ direction (s) as would deem fit and proper.”

4. It is contended that even though petitioner was engaged as a Pump Driver in terms of Resolution made by the Grama Panchayat on 08.10.2021 under Annexure-4 and in terms of the said Resolution, petitioner joined as Pump Driver on 01.11.2021 with due acceptance of the then Sarpanch, Dia Grama Panchayat under Tangi Block in the district of Khurda and petitioner also was handed over the charge by the Ex-Sarpanch in presence of the Jr. Engineer on 07.02.2022 under Annexure-6, but the next Sarpanch illegally engaged Opp. Party No.6 in his place by making a resolution on 28.02.2023 under Annexure-8.

4.1. Challenging such action of the next Sarpanch, when petitioner made a grievance before the Collector, Khurda-Opp. Party No.1 under Annexure-9 and no action was taken on the same, petitioner approached this Court by filing W.P.(C) No.7335 of 2023. This Court vide order dated 28.02.2023, when directed Opp. Party No.1 to consider the petitioner's grievance so made in his representation dated 06.01.2023, Opp. Party No.2 without proper appreciation of the stand taken by the petitioner and the documents available



under Annexure-6, rejected the petitioner's claim, vide the impugned order dated 22.12.2023 under Annexure-3.

4.2. Learned counsel for the petitioner contended that taking into account the document filed by Opp. Party No.6 under Annexure-A/6, Opp. Party No.1 disbelieved the documents enclosed vide Annexure-6 to the Writ Petition. It is contended that Annexure-6 is the original document signed by the then Sarpanch and Jr. Engineer and the said document also bears the signature of the petitioner, so signed on 07.02.2022. But Opp. Party No.6 produced the self-same document in a different way before the Collector-Opp. Party No.1, wherein name of the petitioner was not reflected. Annexure-A/6 is also a fraudulent document as the signature of the then Sarpanch has been forged.

4.3. It is further contended that the then Sarpanch has already filed an affidavit before this Court accepting genuineness of Annexure-6, vis-à-vis Annexure-A/6.

4.4. It is accordingly contended that since without proper appreciation of the document available under Annexure-6 and by relying on a fraudulent document produced by the Opp. Party No.6 under Annexure-A/6, petitioner's claim has been rejected, the said



order is not sustainable in the eye of law and requires interference of this Court.

5. Mr. A.K. Das, learned counsel appearing for Opp. Party No.6, on the other hand contended that petitioner was never appointed as a Pump Driver in the Panchayat in question and present Opp. Party No.6 was so engaged basing on the resolution of the Grama Panchayat passed on 31.05.2022 under Annexure-B/6 and subsequent Resolution issued on 28.02.2023 under Annexure-8.

5.1. It is accordingly contended that since petitioner was never engaged as a Pump Driver in the Panchayat in question and Annexure-6 is a fraudulent document, Opp. Party No.1 has rightly passed the impugned order which requires no interference.

6. Mr. P.K. Panda, learned Addl. Standing Counsel on the other hand contended that since the dispute is inter-se, this Court can pass appropriate order considering the materials available on record.

7. Having heard learned counsel for the parties and considering the submission made, this Court finds that petitioner in terms of the Resolution passed by the Grama Panchayat on 08.10.2021, joined as Pump Driver on 01.11.2021 under Annexure-5. As found, petitioner was handed over the charge of Pump Driver by the Ex-Sarpanch in presence of the Jr. Engineer on



07.02.2022 under Annexure-6. But this Court finds Annexure-6 though contains the name of the present petitioner, but such document produced by Opp. Party No.6 under Annexure-A/6, does not bear the signature of the petitioner.

7.1. However, considering the submission made by the learned counsel for the petitioner that in Annexure-A/6, signature of the Ex-Sarpanch has been manipulated and in that regard an affidavit has been filed by the Ex-Sarpanch before this Court on 01.08.2024, this Court is of the view that the matter requires a fresh consideration by the Opp. Party No.1.

7.2. Therefore, this Court while quashing order dated 22.12.2023, so passed by Opp. Party No.1 under Annexure-3, direct the said Opp. Party to take a fresh decision on the claim of the petitioner vis-à-vis Opp. Party No.6. While taking such a decision, relevancy and effect of the documents available under Annexure-6 vis-à-vis Annexure-A/6 and the affidavit sworn by the Ex-Sarpanch before this Court on 01.08.2024, be taken into consideration in its proper perspective.

7.3. This Court permits the petitioner to provide copy of this order and certified copy of the affidavit so filed by Ex-Sarpanch before this Court on 01.08.2024 before Opp. Party No.1 for compliance. This Court directs Opp. Party No.2 to take a fresh decision by



giving opportunity of hearing to the petitioner as well as Opp. Party No.6 within a period of 2 (two) months from the date of receipt of this order.

8. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev