



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8557 of 2026

Mohan Behera

....

Petitioner

*Mr. A. Tripathy,
Advocate*

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. A. Tripathy, AGA

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.04.2026

Order No

04. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the parties.

3. Pursuant to order dated 31.03.2026, Mr. Nirmal Kumar Jena, Assistant Director, Soil Conservation, Kendrapara appeared in person and files an affidavit in Court with service of copy on the learned counsel for the petitioner. The same be kept in record.

4. It is contended by the officer who is present in Court that, since petitioner was transferred and relieved pursuant to the direction issued by the Director, Soil Conservation-Opp. Party No.2 in his letter dated 24.02.2026, he is not in a position to accept the joining of the petitioner, as basing on the said direction of the Director, Soil Conservation, petitioner was relieved from the establishment vide order dated 25.02.2026 under Annexure-7.



4.1. It is contended that on being so relieved, petitioner's joining was not accepted by the Collector & District Magistrate, Kendrapara. However, since basing on the direction issued by the Director, Soil Conservation-Opp. Party No.2, petitioner has been relieved, Opp. Party No.4 is not competent to allow the petitioner to continue in his establishment by accepting his joining.

5. To the affidavit filed by the Opp. Party No.4, learned counsel for the petitioner contended that petitioner was promoted to the rank of Establishment Officer vide order dated 19.01.2023 of Opp. Party No.3 under Annexure-5 and he was allowed to continue in the office of Opp. Party No.4 on such promotion.

5.1. Pursuant to such order issued by the Opp. Party No.3, petitioner on his promotion to the rank of Establishment Officer continued in the establishment of Opp. Party No.4 as before. But basing on the letter issued by the Director-Opp. Party No.2 on 24.02.2026, so enclosed to the affidavit vide Annexure-D/4, petitioner was relieved from the establishment of Opp. Party No.4 on 25.02.2026, for his joining in the establishment of Opp. Party No.2. But Opp. Party No.3 did not allow the petitioner to join on being so relieved and since then he is suffering.

6. Considering the dispute involved and the nature of order passed by the Collector, Kendrapara under Annexure-5 and the letter issued by the Director under



Annexure-D/4, this Court directs Opp. Party No.4 to accept the joining of the petitioner if the same is submitted by the petitioner tomorrow (08.04.2026) and allow him to continue in his establishment.

7. Learned Addl. Govt. Advocate is directed to communicate this order to Opp. Party No.2 and 3 for compliance. It is further observed that, if as directed, joining of the petitioner is not accepted by Opp. Party No.4, salary of Opp. Party No.4 shall not be drawn and disbursed from this month onwards.

8. As requested, list this matter on 15.04.2026.

Free copy to Mr. A. Tripathy, learned Addl. Govt. Advocate for compliance.

(Biraja Prasanna Satapathy)
Judge

05. I.A. No. _____ of 2026

- 1.** I.A. filed in Court be registered.
- 2.** Considering the I.A., personal appearance of the Opp. Party No.4 is dispensed with for the present.
- 3.** I.A. stands disposed of.

(Biraja Prasanna Satapathy)
Judge