



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C ) No.8479 of 2016**  
**CNR No. ODHC010526442016**

**Kusha Ch. Digal**

....

**Petitioner**

*Mr. A. Tripathy, Adv.*

*-versus-*

**State of Odisha & Others**

....

**Opposite Parties**

*Mr. A. Tripathy, Adv.*

*Ms. Pragyan Paramita Mohanty, Adv.*

*on behalf of Mr. G.N. Mishra, Adv.*

*(for O.P. No.6)*

**CORAM:**

**THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**03.08.2026**

**Order No.**

- 6.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel appearing for the parties.
- 3.** The present Writ Petition has been filed inter alia with the following prayer:

*Under the aforesaid circumstances, it is humbly prayed that this Hon'ble Court may kindly be pleased to issue Rule NISI calling upon the Opp. Parties to show cause as to why the order dated 01.03.2016 passed by the Sarapanch of Alami Gram Panchayat under Phulbani Block in the district of Kandhamal from the post of Yogana Sahayak under Annexure-1 shall not quashed.*

*And on receipt of any show cause or any insufficient show cause shown by the Opp. Parties the said rule be made absolute by directing the*



*quashing of the order dated 01.03.2016 passed by the Sarpanch of Alami Gram Panchayat under Phulbani Block in the district of Kandhamal from the post of Jogana Sahayak under Annexure-1.*

*And may pass such other order/orders, direction/directions as this Hon'ble Court deem fit and proper.*

*And for this act of kindness the Petitioners shall as in duty bound ever pray.*

**4.** It is contended that even though Petitioner was duly engaged as Jogana Sahayak vide order of engagement issued by Opp. Party No.4 on dt.20.03.2013 under Annexure-A/4 to the counter affidavit filed by Opp. Party Nos.4 & 5, but Petitioner on the face of the decision taken by the Grama Panchayat in its proceeding dtd.16.03.2016 to place the Petitioner under suspension, so reflected in Annexure-1 was disengaged from his post by Opp. Party No.6.

**4.1.** It is contended that since Petitioner was engaged vide letter issued by the B.D.O-Opp. party No.4 under Annexure-A/4, neither the Grama Panchayat, nor the Sarpanch were authorised either to suspend or disengage the Petitioner. It is accordingly contended that order issued under Annexure-1 by Opp. party No.6 being illegal is liable to be interfered with by this Court.



**5.** Mr. A. Tripathy, learned Addl. Govt. Advocate on the other hand basing on the counter affidavit so filed by Opp. Party Nos.4 & 5 contended that, basing on the letter issued by Opp. Party No.4 on 20.03.2013 under Annexure-A/4, Petitioner was engaged as Jogana Sahayak in the concerned Grama Panchayat. Subsequently with due execution of the agreement on 01.09.2013 under Annexure-C/4, Petitioner was allowed to continue as Jogana Sahayak in Alami Grama Panchayat in the district of Kandhamal.

**5.1.** However, since Petitioner did not discharge his duty properly, a show-cause was issued by the Sarpanch-Opp. Party No.6 on 20.01.2016 under Annexure-E/4 and after receipt of the explanation from the Petitioner under Annexure-F/4, Petitioner was disengaged vide order issued under Annexure-1. Similar submission was also made by the learned counsel appearing for the Opp. party No.6.

**6.** Having heard learned Counsel for the parties, considering the submission made, it is found that the Grama Panchayat in its proceeding dtd.16.03.2016 though resolved to suspend the Petitioner, but Opp. Party No.6 in the alternate, disengaged him.



**6.1.** Considering the submission of the learned counsel appearing for the Petitioner that Opp. party No.6 is not competent to disengage the Petitioner, this Court while disposing the Writ Petition, permits the Petitioner to move an appropriate application before Opp. Party No.4 for consideration of his claim to get the benefit of re-engagement with due execution of the agreement.

**6.2.** It is observed that if any such application is filed by the Petitioner within a period of three (3) weeks hence, Opp. Party No. 4 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such application. The order so passed by Opp. Party No. 4 be communicated to the Petitioner.

**7.** With the aforesaid observation and direction, the Writ Petition stands disposed of.

**(Biraja Prasanna Satapathy)**  
**Judge**

sangita