



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31199 of 2025

Sri Ashok Kumar Samantaray

....

Petitioner

Mr. J.K. Mishra(2), Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. J.K. Khandayatray, ASC

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

31.10.2025

Order No.
01.

This matter was not there in today's list and on being specifically mentioned, it is taken up by virtue of special notice.

2. Heard learned counsel for the Petitioner. He submits that baseless allegation of sexual harassment has been made against his client, who wanted to take action against the other staff, who are remaining away from the duty. In fact, action should have been taken against them and not against his client. Learned counsel submits that the impugned order is passed at the instance of the Minister concerned without verifying the factual. Petitioner is going to retire in the month of June, 2026 and thus short stint of service period is remaining. Further, he tells the Court that he will not object to the transfer to any other nearby place.

3. Learned ASC-Mr. Khandayatray appearing for the OPs vehemently opposes the application contending that when a person is involved in the allegations of sexual harassment, a decision to shift him to other place is taken and therefore, it should not be interfered



with. He also points out the submission of counsel for the Petitioner that his client would go to some other place. That being the position, he contends that no interim relief can be granted to the Petitioner.

Having heard learned counsel for the parties and having perused the petition papers, this Court is of considered opinion that the punitive action contemplated in the impugned order has to be kept in suspended animation. This apart, Petitioner can be shifted to a nearby place than the place indicated in the transfer order, in respect of which decision has to be taken by OP No.2, on a war footing.

In the above circumstances, a case is made out for issuance of notice and grant of interim relief as well.

Issue emergent notice. Learned ASC -Mr. Khandayatray, on request of the Court, accepts notice for all the OPs. Required number of copies of the writ petition with all the documents be served on him within three working days.

As an interim measure, the impugned order is stayed to the extent it contemplates punitive action against the Petitioner and also denial of consideration of his case for promotion. However, so far as the transfer is concerned, as already observed, the jurisdictional OPs shall give posting to the Petitioner in some other nearby place, immediately.

Web copy of this order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge