

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2385 of 2002

Girish Chandra Mahanta

Petitioner(s)

Mr.B.Moharana,
Advocate

-versus-

***Orissa Industrial & Technical
Consultancy Organisation Ltd. &
Anr.***

Opposite Party(s)

Mr.S.P.Panda,
AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.03.2022**

Order No.

06.

1. Heard learned counsel for the parties.

2. Petition involving the following prayer:-

It is, therefore, prayed that the Hon'ble Court may graciously be pleased to:

- (h) Issue a Rule Nisi in the nature of writ of mandamus and/or certiorari and/or any other appropriate writ/writs, order/orders, direction/directions calling upon the opposite parties to show cause as to why they shall not be directed to disburse the retirement dues and other dues and benefits, along with interest thereon at 18% per annum, to the petitioner within a period to be stipulated by the Hon'ble Court;

And

- (ii) If the opposite parties fail to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute;

And

- (iii) Grant any other relief/reliefs to which the petitioner is entitled;

And

- (iv) Allow the writ application with costs;

And for this act of kindness, the petitioner, as in duty bound, shall ever pray.

3. Undisputedly vide Annexure-2 involving the resolution of Opposite Party No.1 petitioner was appointed to work as Managing Director. Annexure-2 is however issued subject to further approval of the decision taken by Company Law Board. Petitioner in the application has averred that above decision of the Opposite Party No.1 vide Annexure-2 has been approved by Company Law Board. Finding prima facie case, this Court directed to issue notice to the opposite parties. There is no appearance on behalf of the Opposite Party No.1. However there is appearance on behalf of the Opposite Party No.2. Noticing difficulty in deciding the matter in absence of Opposite Party No.1 further for monetary issue involved, considering the request of the learned counsel for the petitioner, this court permitted the petitioner to take out notice on Opposite Party No.1 by way of paper publication. It is observed even in spite of paper publication dated 27.09.2004 Opposite Party No.1 did not appear. This Court finds prima facie justification in the claim of the petitioner with regard to release of Officiating Allowance, Outstanding Allowance, House rent, Gratuity, Provident fund and Outstanding TA Bills. This Court also finds the petitioner has issued legal notice vide Annexure-3 involving such claims for non-appearance of the Opposite Party No.1 and even there is no response to the legal notice of the petitioner as of now, this Court in disposal of the writ in the event such claim is still pending there should be the same consideration of the same by Opposite Party No.1.

4. Considering the request of the petitioner involved herein, taking into consideration the plea taken in writ, the legal notice vide Annexure-3 as

well as further plea in support of Annexure-4 series appended to rejoinder affidavit, this Court in disposal of the writ petition directs the Opposite Party no.1 to take decision, as appropriate, on the claim of the petitioner within a period of eight weeks from the date of communication of this order. This Court observes in the event the petitioner is entitled to benefit claimed herein, the Opposite Party 1 will also pay interest on such entitlement at least @ 8% per annum.

5. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

S.P. Dash

