

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 28999 of 2013

*Jaya Chandra Naik (Since dead)
represented through LR*

.....

Petitioner

Mr. S.C. Devdas, Adv.

Vs.

State of Orissa and others

.....

*Opposite Party
State Counsel*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

16.03.2022

Order No.

4.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. This writ petition has been filed assailing the order dated 28.06.2013 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 386 (C) of 2012 under Annexure-11, by which the claim of the deceased employee for approval of his appointment w.e.f. the date of his initial appointment, i.e., 03.08.1991 has been denied, as the school was taken over by the Government w.e.f. 07.06.1994.

4. Having heard learned counsel for the parties and after going through the records, this Court finds that the deceased employee had claimed for approval of his appointment from the date of his initial appointment and extend all the benefit, but the same was denied by the tribunal vide order dated 28.06.2013 in O.A. No. 386 (C) of 2012 under Annexure-11, as the school in question was taken over by the Government w.e.f. 07.06.1994. Thereby, this Court is of the considered view that the tribunal is well justified in passing the order impugned which does not warrant interference of this Court.

5. In course of hearing, learned counsel for the petitioner states

that since the legal representative of the deceased employee has been brought on record, she may be permitted to file a fresh representation before the authority for consideration of the case of her husband in the light of judgment of the Court in the case of *State of Orissa and Ors. v. Nabin Kumar Beura*, 2011 (I) OLR 149, and direction may be given to the authority to consider the same within a stipulated time.

6. As agreed to by learned counsel for the parties, without expressing any opinion on the merits of the case, this writ petition stands disposed of with the direction that in case the legal representative of the deceased employee, with regard to the grievance made in this petition, files a fresh comprehensive representation before the concerned authority within 15 days hence, the same shall be considered by the said authority taking into consideration the judgment of this Court in the case of *Nabin Kumar Beura* (supra) and pass a reasoned and speaking order as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with the certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE