

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3254 of 2022

Rajkishorre Behera

.... ***Petitioner***
Ms.B.K.Pattnaik, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr.D.Mund, A.G.A.,

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.02.2022

Order No.

01. 1. This matter is taken up through Hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the parties.
3. The sole grievance of the Petitioner in the present writ application is that the authorities have not considered the enrolment of the Petitioner under Orissa Civil Service (Pension) Rules, 1992. Aggrieved by such inaction the Petitioner has submitted a representation to the Opposite Party No.1 on 15.11.2011. It is submitted by the learned counsel for the Petitioner that the said representation is pending before Opposite Party No.1 for consideration.
4. It is further submitted by the learned counsel for the Petitioner that law in this regard has been laid down by this Court in the case of **Ananda Das-vrs.-State of Odisha (2014 Suppl. 1, OLR 754** and the ratio decided therein clearly applies to the fact of the present case.

5. Learned counsel for the State on the other hand submits that the Petitioner is not eligible to be enrolled under the OCS (Pension) Rules, 1992. However, he has no objection if a direction is issued to Opposite Party No.1 to consider the representation of the Petitioner in the light of the judgment of this Court in the case of Anand Das (supra).

6. In such view of the matter, this writ application is disposed of with a direction to Opposite Party No.1 to consider the representation of the Petitioner, if such representation is still pending within a period of six weeks from the date of production of certified copy of this order.

7. It is needless to mention here that the authority shall consider the representation of the Petitioner in the light of the ratio decided in the case of Ananda Das (supra) and dispose of the same by passing a speaking and reasoned order. Decision so taken be communicated to the Petitioner within 10 days thereafter.

8. It is made clear that this Court has expressed no opinion on the merits of the case.

9. With the aforesaid observation the writ application stands disposed of.

RKS

(A.K. Mohapatra)
Judge