

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3815 of 2023

Lochan Barik

....

Petitioner

Mr.Basudev Barik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. R.N.Mishra, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.02.2023

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The Petitioner has filed this writ petition with the following prayer :

“The Petitioner, therefore prays that this Hon’ble Court may graciously be pleased to admit the Writ Petition, issue notice to the Opposite Parties to file their show cause s to why the case of the Petitioner shall not be allowed and after hearing the parties, the case of the Petitioner be allowed and necessary order be passed that the Petitioner shall be entitled to receive the pension as if the Petitioner has retired from the regular establishment and direct the Opp.Parties to regularize the Petitioner in service for a day prior to his superannuation notionally and grant pension and pensionary benefit under the old Rule in the light of the decision in the cse of Hon’ble Court vide order dated 19.12.2011 passed in WPC No.5377 of 2010 in a case of Narasu Pradhan Vrs State of Odisha and subsequent decision of this Hon’ble Court in a case of State of Odisha Vrs. Pitambar Sahoo WPC No.24041 of 2017 disposed of on 20.12.2017 which has been affirmed in SLP(C) Diary No.30806 of 2018 and the entire benefit be given to him within a stipulated period;

And may pass any order/orders which the Hon'ble Court may deem fit and proper.”

4. In course of hearing, learned counsel for the Petitioner submits that the Petitioner may be granted liberty to file a fresh representation ventilating his grievance before the Engineer-in-Chief, Water Resources Department, Bhubaneswar, Opposite Party No.2, which may be considered within a stipulated period of time in accordance with law.

5. Learned Additional Government Advocate for the State on the other hand submits that he has no objection if liberty is granted to the Petitioner to file a fresh representation before the Opposite Party No.2 and the same is considered and disposed of in accordance with law.

6. In view of the aforesaid limited nature of grievance of the petitioner, this Court disposes of the writ petition granting liberty to the Petitioner to file a fresh representation before the Engineer-in-Chief, Water Resources Department, Odisha, Opposite Party No.2 ventilating his grievance within a period of two weeks. If such a representation is filed within the time stipulated, the same shall be considered and disposed of by the said Opposite Party No.2 in accordance with law in the light of the law laid down in the case of **Iswar Chandra Naik-v.-State of Odisha and others in W.P.(C) No.34592 of 2022, Narusu Pradhan-v.State of Odisha in W.P.(C) No.5377 of 2010 and the case of State of Odisha v. Pitambar Sahoo in W.P.(C) No.24041 of 2017** within a period of eight weeks from the date of filing of such representation and the decision so taken on the representation of the petitioner shall be communicated to the Petitioner within two weeks thereafter.

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

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

RKS

