

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5044 of 2022

Bana Bihari Barik

.... ***Petitioner***
Mr. P.K. Ray, Advocate

-versus-

State of Odisha and another

.... ***Opposite Parties***
Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.

3. The present writ petition has been filed by the petitioner with the following prayer:-

“i. Why the petitioner shall not be regularized in the post of Peon in District Consumer Dispute Redressal Commission, Mayurbhanj from the date of his initial appointment and joining on dt. 27.08.1996 with all consequential service benefits.

ii. Why the arrears of salary of the petitioner shall not be calculated and released in his favour within a stipulated period.

iii. Why any other order(s)/direction(s) as this Hon’ble Court may deem fit and proper shall not be passed to secure the ends of justice.

If the opposite parties fail to show cause or show insufficient cause then the Hon’ble Court may be

pleased to make the rule absolute and to pass appropriate writ(s)/direction(s) to grant the aforesaid relieves sought for to secure the ends of justice.

And/or pass any other Order(s) as the Hon'ble Court may deem fit and proper to secure the ends of justice."

4. It is submitted by learned counsel for the Petitioner that although the petitioner has filed representation highlighting his grievances dated 26.11.2021 under Annexure-7 before the Opposite Party No.1, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision on the representation of the Petitioner.

5. Further, learned counsel for the petitioner submits that the Opposite Party No.1 may be directed to dispose of the same in the light of the judgment delivered by the this Court in the case of ***Umesh Chandra Panda vrs. State of Orissa***: reported in ***2017 (I) ILR-Cutt-991***. Therefore, the petitioner's case may be considered in the light of the said judgment.

6. Considering the limited nature of prayer of the Petitioner and considering the fact that the Commissioner-cum-Secretary, Food Supplied and Consumer Welfare Department, Bhubaneswar (Opposite Party No.1) shall do well to consider the case of the Petitioner within a period of three months from the date of receipt of a certified copy of this order. The decision so taken shall be communicated to the Petitioner within a period of two weeks from the date of such decision. The case of the Petitioner shall be considered by the Opposite Party No.1 in the light of the judgment in the case of ***Umesh Chandra Panda vrs. State of Orissa***: reported in ***2017 (I) ILR-Cutt-991*** decided by this Court in. The writ petition

stands disposed of directing the Competent Authority to dispose of the case of the petitioner by undertaking the entire exercise within a period of three months from the date of communication.

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

(A.K. Mohapatra)
Judge

Jagabandhu

