

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5441 of 2022

Sarat Chandra Mallik

....

Petitioner

Mr. Ramesh Chandra Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSP Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

16.03.2022

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.
3. The present writ petition has been filed by the Petitioner for a direction to the Opposite Parties to grant pension and other retiral dues with interest w.e.f. 01.03.2020 in faovur of the Petitioner by regularizing his entire service period as NMR and Work Charged employee.
4. It is submitted by learned counsel for the Petitioner that he has submitted a representation before the Executive Engineer, Mahanadi North Division-1, Jagatpur, Cuttack, Opposite Party No.3 dated 09.09.2020 (Annexure-5) to the writ petition. It is further submitted by learned counsel for the Petitioner that the said

representation of the Petitioner is still pending for consideration before the Authority.

5. It is also submitted by learned counsel for the Petitioner that the case of the Petitioner is covered by the judgments of the Hon'ble Supreme Court in the case of *State of Karnataka vs. Umadevi*, reported in (2006) 4 SCC 1, in the case of *State of Karnataka vs. M. L. Kesari*, reported in (2010) 9 SCC 247 and in the case of *Amarkant Rai vs. State of Bihar*, reported in (2015) 8 SCC 265. Further learned counsel for the Petitioner submits that the issue is also covered by the Resolution of the Finance Department dated 15.05.1997 (Annexure-4).

6. In such view of the matter, this Court directs Opposite Party No.3 to consider the representation of the Petitioner in the light of the judgments of the Supreme Court as well as the resolution of the Finance Department dated 15.05.1997 and consider and dispose of the same by passing a speaking and reasoned order within a period of two months from the date of production of certified copy of this order. Decision so taken be communicated to the Petitioner within a period of two weeks thereafter.

7. With the aforesaid observation, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge