

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7110 of 2022

Adikanda Sahoo

.... ***Petitioner***
Mr. S.K. Pal, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
27.06.2022

Order No.

03.

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 prayers:

“It is therefore, humbly prayed that this Hon’ble Court may graciously be pleased to admit the Writ petition, and after hearing the parties and issue a Writ/writs in the nature of certiorari by quashing Annexure-5 vide order dated 29.12.2021 and further pleased to issue Writ in the nature of Mandamus directing the opp. Parties to disburse/sanction 4600/- Grade pay in the of P.B.2(9300/- 34,800) w.e.f. 11.8.2015 and pay Rs.44900/- in Level-10 Cell-1 w.e.f. 1.1.2016 attached to the promotional post of MACP entitlement to the post of Asst. Fishery officer towards 2nd RACP on completion of 20 years of service as per the pay matrix O.R.S.P. Rules, 2017;
And pass any other order/orders as would be deemed fit and proper;”

4. Learned counsel for the petitioner submits that pursuant to the

order of this Court dated 26.02.2021 in W.P.(C) No.6405 of 2021, the petitioner approached before the Director of Fisheries, Odisha, Cuttack-Opposite Party No.3 for redressal of his grievance. He further submits that by order dated 26.02.2021 this Court directed Opposite Party No.3 to deal with the grievance of the petitioner taking into consideration the grounds appended thereto. However, it is submitted by learned counsel for the petitioner that relying upon the letter No.5799 dated 28.04.2021, the Director of Fisheries, Odisha, Cuttack-Opposite Party No.3 rejected the request/grievance of the petitioner.

5. It is further submitted by learned counsel for the petitioner that the grievance of the petitioner has been rejected on the ground that the petitioner was absconding from Government duties for a period 214 days (from 01.06.2013 to 31.12.2013). At this stage, learned counsel for the petitioner submits that the allegation against the petitioner is not correct and the grievance of the petitioner has not been taken into consideration as the documents submitted by the petitioner.

6. Learned counsel for the State, on the other hand, submits that whatever the materials placed, the Director of Fisheries, Odisha, Cuttack has taken decision. However, upon examination of the record/documents filed by the petitioner it appears that the decision has been taken vide letter dated 29.12.2021 under Annexure-5.

7. In such view of the matter, the impugned order dated 29.12.2021 under Annexure-5 is set aside. It is further directed the Director of Fisheries, Odisha, Cuttack-Opposite Party No.3 to re-examine the matter by taking into consideration the facts stated and the documents submitted by the petitioner after providing

opportunity of hearing to the petitioner. Further it is directed that the grievance of the petitioner shall be considered within a period of two months from the date of production of the certified copy of this order and the same shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

8. With the aforesaid observation/direction, the writ petition is disposed of.

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

Jagabandhu

