

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7413 of 2022

Prasanta Kumar Pradhan ***Petitioner***
Mr. Rama Krishna Bisoi, Advocate
-versus-
State of Odisha and another ***Opposite Parties***
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
28.03.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This writ petition has been filed by the Petitioner with the following relief:
- “In view of the aforesaid facts and circumstances as narrated above, it is ardently prayed that this Hon’ble Court may kindly be pleased to direct the Opp. Party no.2 to sanction and disburse the annual periodical increments of the petitioner w.e.f. 1.8.2019 onwards with arrears within a time stipulation s fixed by this Hon’ble Court.”
4. It is submitted by learned counsel for the Petitioner that earlier the Petitioner had approached before the Odisha Administrative Tribunal, Bhubaneswar, by filing O.A. No.1996 of 2016 redressing his grievances, i.e. for sanction of annual increment as per Rule-77 of the Orissa Service Code. After consideration of the case of the Petitioner, the Tribunal by order dated 16.09.2016, disposed of the Original Application with a direction to the Opposite Party to sanction normal annual increment, which is due with effect from 1.12.2014 till date as admissible, if there is no specific order to

withhold the same as per rule and the arrear increment be sanctioned. Therefore it is submitted by learned counsel for the Petitioner that the Petitioner was given the increment by order dated 10.03.2017 (Annexure-5) and 29.01.2019 (Annexure-6). However the benefit of increment was given to the Petitioner pursuant to order passed by the Tribunal dated 1.8.2018, thereafter the Petitioner has not paid the increment which he is entitled to as per rule.

5. It is further submitted by learned counsel for the Petitioner that being aggrieved by such legal action, the Petitioner represented to the Director, State Institute of Health & Family Welfare, Odisha- Opposite Party No.2 dated 19.04.2021 (Annexure-8). It is further submitted that the Authorities have not taken any decision on the representation of the Petitioner therefore learned counsel for the Petitioner prays for a direction be issued to Opposite Party No.2 to consider the representation of the Petitioner within a stipulated period of time.

6. Learned counsel for the State on the other hand has no objection if a direction is given to the Authority to consider and dispose of the representation of the Petitioner within a stipulated period of time.

7. Considering the limited nature of submissions, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.2 to consider and dispose of the representation of the Petitioner dated 19.04.2021 (Annexure-8) within a period of two months from the date of production of certified copy of this order. Opposite Party No.2 is further directed to consider the representation in accordance with law and shall dispose of by passing a reasoned and speaking order after affording

opportunity of hearing to the Petitioner. The decision so taken shall be communicated to the Petitioner within a period of two weeks thereafter.

8. With the above direction, the Writ Petition stands disposed of.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

