

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7767 of 2022

Mahendra Behera

....

Petitioner

Mr. B.S. Tripathy(1), *Advocate*

-versus-

State of Odisha and others

....

Opp. Party

Mr. P.K. Rout, *AGA*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.02.2023

Order No.

I.A. No.1108 of 2022

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This interlocutory application has been filed by the Opposite Party No.3 for modification of order dated 30.03.2022 passed by this Court in the aforesaid writ petition.
 3. It is submitted by the learned counsel for the Petitioner that the writ petition has been disposed of with a direction to the Opposite Party No.2 to consider and dispose of the representation of the Petitioner dated 08.03.2022 under Annexure-4 to the writ petition within a period of two months from the date of production of certified copy of the order. He further contended that the Opposite Party No.3 has also filed a representation before the Opposite Party No.2 and the same is also pending.
 4. Learned counsel appearing for the Opposite Party No.3

has no objection, if a direction is given to the authority to consider both the representations by providing an opportunity of hearing to the Petitioner as well as Opposite Party No.3 before taking a final decision in the light of the judgment passed by the Hon'ble Supreme Court in the cases of ***D.P. Das v. Union of India & Ors.***, reported in ***(2011) 8 SCC 115***; and ***K.R. Mudgal and Ors. v. R.P. Singh and Ors.***, reported in ***(1986) 4 SCC 531***.

5. Considering such submission, this I.A. is disposed of by directing the Opposite Party No.2 to consider the representation of the Petitioner as well as the Opposite Party No.3 within a period of six weeks from today, if same are not been disposed of by now, in the light of the law laid down by the Hon'ble Supreme Court in the cases of ***D.P. Das v. Union of India & Ors.***, reported in ***(2011) 8 SCC 115***; and ***K.R. Mudgal and Ors. v. R.P. Singh and Ors.***, reported in ***(1986) 4 SCC 531***. It is open for the Petitioner as well as Opposite Party No.3 to file any decision before the Opposite Party No.2 at the time of consideration of their representations. In the event the decisions are filed, the same shall be considered by the Opposite Party No.2 while taking decision on such representations.

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

(***A.K. Mohapatra***)
Judge