

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8183 of 2022

Jayadeva Bisoyi

....

Petitioner

Mr. Basudev Barik, Advocate

-versus-

***Commissioner-cum-Secretary,
Housing and Urban Development,
Odisha, Bhubaneswar and others***

....

Opposite Parties

Mr. Y.S.P. Babu, AG.A..

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

25.04.2022

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 :-

“The petitioner, therefore, prays that this Hon’ble Court may graciously be pleased to admit the writ petition, issue notice to the opposite parties and after hearing both the parties be pleased to issue following direction to the opposite parties Nos.1 to 4

(i) To fix up the scale of pay of Rs.5200-20,200/- as per ORSP Rule, 2008 w.e.f. 1.1.2006 and thereafter sanction of periodical intimate till regularization of service in the post of Khalasi as on 1.3.2021 and after such fixation the accrued differential amount may be released within a stipulated period.

(ii) To regularize the service of the petitioner in

the post of Jr. Clerk/Bill Clerk on the date of regularization order i.e. 22.09.2021 under Annexure-4 by modifying the said order where the petitioner service was regularized in the post of Khalasi.

(iii) And pass any other order/orders, direction/directions as this Hon'ble Court deem just and proper in the facts and circumstances of the case."

4. It is submitted by learned counsel for the petitioner that the petitioner was initially engaged as N.M.R. and he was brought over the work charged establishment in the year 2008 and that the service of the petitioner was upgraded in the post of Khalasi in the Scale of Pay of Rs.2550/- 55-2560-60-3200/- with usual DP and DA as admissible by the State Government from time to time. Thereafter, he has been regularized in the said post w.e.f. 01.03.2021 as the existing vacancy raised after retirement of another person as Khalasi. Thereafter he joined and the same was intimated to Government stating therein that the persons, who are higher qualification was get revised scale of pay of Rs.5,200/- 20,200/- carrying G.P. of Rs.1800/- . Learned counsel for the petitioner further submits that in view of the letter dated 14.10.2011 under Annexure-7, the petitioner is entitled to the scale of pay fixed thereunder. Accordingly, the petitioner has submitted a representation before the Opposite Party Nos.1 and 2 on 20.10.2021 under Annexure-9 and the same is still pending before the said Opposite parties and the said Opposite Parties have not taken any decision on the representation of the Petitioner as of now.

5. Learned counsel for the Opposite Parties submits that he has no objection, if a direction is given to the Opposite Party Nos.1 and 2 to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions, keeping in view the limited nature of grievance of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Commissioner-cum-Secretary, Housing and Urban Development Odisha, Bhubaneswar and Chief Engineer (Public Health), Bhubaneswar-Opposite Party Nos.1 and 2 to consider the representation of the petitioner dated 20.10.2021 under Annexure-9 in accordance with law within a period of two months from the date of production of certified copy of this order taking into consideration the order under Annexure-7. Further the Opposite Party Nos.1 and 2 is directed to consider the representation of the Petitioner and dispose of the same by passing a speaking and reasoned order. Any decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

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

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

(A.K. Mohapatra)
Judge