

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8214 of 2022

Braja Kishore Nayak

Petitioner
.....
Mr.S.S.Mohanty, Advocate

-versus-

***Principal Secretary to Government
of Odisha & others***

Opposite Parties
.....

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

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
25.04.2022

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.

3. Earlier the Petitioner approached this Court by filing a writ application bearing W.P.(C) No.1833 of 2008 which was disposed of by order dated 13.12.2019. While disposing of the said writ application, this Court directed

“As this Court finds the Petitioner substantiates his claim on the basis of the 40th Governing Body resolution and 40th Governing Body resolution also establishes his claim, this Court disposing the writ petition directs in the event the benefit accrued through the 40th Governing Body meeting appearing at page 21 of the brief has not been worked out as of now, the same may be worked out within a period of one month from the date of communication of certified copy of this order and payment, if any, be released in favour of the Petitioner along with interest @ 6% per annum although by releasing the amount within a period of one month further.”

4. It is submitted by the learned counsel for the Petitioner that

since the direction of this Court vide order dated 13.12.2019 has not been complied with the Petitioner was compelled to file CONTC No.4172 of 2020 which was disposed of by order dated 09.02.2021 recoding the statement of the learned counsel for the Contemnors that the order has already been complied with. However, at that stage, it was not verified how it was complied and to what extent it has been complied with.

5. Learned counsel for the Petitioner submits that at that stage the Petitioner was not able to calculate and verify that the order dated 13.12.2019 has been complied with in letter and spirit. Subsequently on enquiry he learnt that he has not been paid that has been directed by this Court in order dated 13.12.2019. Therefore, the Petitioner has submitted a representation before the authority on 22.04.2021. It is stated that the same is pending before the Opposite Party no.1 for consideration.

6. Learned Additional Government Advocate on the other hand submits that the direction of this Court on earlier occasion has been fully complied with. However, he further submits that in the event a direction is given to the Opposite party no.1 to consider and dispose of the representation of the Petitioner in accordance with law within a stipulated period of time, he has no objection.

7. Considering the aforesaid submissions, this Court disposes of the writ application at the stage of admission with a direction to Opposite party No.1 to consider the representation dated 22.04.2021 pending before the Opposite party No.1 within a period of two months from the date of production of certified copy of this order. It is further directed that while considering the representation of the Petitioner, the opposite Party no.1 shall do well to take into consideration the order dated 13.12.2019 passed by this court and shall dispose of the

representation by passing a reasoned and speaking order. The decision so taken be communicated within two weeks. It is further directed that in the event the authorities come to a conclusion that the Petitioner is entitled to some more benefit as per the direction of this court dated 13.12.2019 the same shall be paid within one month thereafter.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy as per Rules.

RKS

