

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8300 of 2022

Suresh Chandra Dash

..... Petitioner
Mr.D.R.Bhokta, Advocate

-versus-

S.B.I., Mumbai & others

..... Opposite Parties

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.
3. The present writ application has been filed by the Petitioner with the following prayer:

“The Petitioner, therefore, prays that this Hon’ble Court be graciously pleased to issue a Rule Nisi calling upon the Opposite Parties to show cause as to why a writ of mandamus or any other appropriate writ or writs shall not be issued;

- a) directing the Opposite Party No.2 to consider the representation of the Petitioner under Annexure-2 and pay all the service benefits and retirement benefits to the Petitioner from 1996 to 2006 as per the order under Annexure-1.
- b) If the Opposite Parties fail to show cause or show insouciant cause to make the said rule absolute, and
- c) To pass such other order/orders and to issue such other writ/writs as would afford complete relief to the Petitioner.”
4. It is submitted by the learned counsel for the Petitioner that earlier the Petitioner had approached this Court by filing a writ

application bearing O.J.C.No.12590 of 2000. After hearing the learned counsel for the Petitioner, this Court by judgment dated 21.12.2018 disposed of the writ application and the direction at paragraph-11 therein is quoted herein below:

“Therefore, applying the law laid down by the apex Court to the present context the Opposite Parties are directed to give the benefit of assessment made by the first departmental promotion committee on 01.11.1992 by opening the sealed cover forthwith, preferably within a period of two months from the date of communication of this judgment. In the event the Petitioner has been given promotion to the post of SMGS-IV, pursuant to such decision of the promotion committee, he is entitled to get all consequential service benefits as due and admissible to him in accordance with law.”

5. It is submitted by the learned counsel for the Petitioner that the direction of this Court has not been complied with by the authority. Further he submits that he has submitted a representation dated 09.07.2019 which is stated to be pending before Opposite Party No.2.

6. Considering the limited nature of grievance, this Court without issuing notice to the Opposite Party-Bank disposes of the writ application at the stage of admission with a direction to Opposite Party No.2 to consider the representation of the Petitioner within a period of two months from the date of production of certified copy of this order keeping in view the judgment passed by this Court in O.J.C.No.12590 of 2000 dated 21.12.2018. Learned Counsel for the Petitioner is directed to produce the copy of the judgment along with the certified copy of this order before the Opposite Party No.2 within two weeks from today. On production of such certified copy, the Opposite party no.2 shall do well to consider the representation of the Petitioner in the light of the judgment of this Court within a period of two months by passing a speaking and reasoned order. Further, it is directed that while working out the remedy as has been directed by

this Court in the judgment dated 21.12.2018 in OJC No.12590 of 2000 if the authority comes to a conclusion that the Petitioner is entitled to get some relief, then the same shall be extended to the Petitioner within a month thereafter.

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

8. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

