

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10945 of 2022

Susanta Kumar Biswal

....

Petitioner

Mr. Swapnil Roy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.05.2022

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 prayers:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the writ petition and issue Rule “NISI” to the Opp. Parties to show cause as to;

- (i) Why the Opposite Parties will not be directed to grant regular pension as due and admissible in favour of the petitioner w.e.f. September, 2019 as provided under OCS (Pension) Rule, 1992 within a stipulated time; and
- (ii) Why the Opposite Parties will not be directed to sanction the gratuity as due and admissible in favour of the petitioner along with interest as provided under the OCS (Pension) Rule, 1992 within the stipulated time; and
- (iii) Why they Opposite Parties will not be directed to

sanction and disburse the arrear pension as due and admissible on such sanction of regular pension within a stipulated time; and

- (iv) Why the Opposite Parties will not be directed to sanction and release the financial benefit as due and admissible for the period from 01.03.2009 to 17.04.2010 within a stipulated time;

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit be passed;”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 09.03.2022 under Annexure-9 before the Executive Engineer, Minor Irrigation Division, Ganja,-II, Berhampur-Opposite Party No.5, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time and disburse the same.

6. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Executive Engineer, Minor Irrigation Division, Ganja,-II, Berhampur-Opposite Party No.5 to consider the representation of the petitioner dated 09.03.2022 under Annexure-9 in accordance with law within a period of two months from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioner shall be considered and disposed of

by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the petitioner within a period of two weeks thereafter.

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

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

(A.K. Mohapatra)
Judge

Jagabandhu

