

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11188 of 2022

Birendra Kumar Das

..... Petitioner

Mr. K.K. Swain, Advocate

-versus-

State of Odisha and others

..... Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

09.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The present writ petition has been filed with the following relief:

“Under the above circumstances, it is humbly prayed that the writ petition be allowed;

- (a) A writ of mandamus or an appropriate writ may be issued commanding the Opp. Parties to release final pension and other retiral benefits such as gratuity etc. in favour of the petitioner by accepting his grade pay of Rs.4200/- and 4600/- respectively, i.e. 1st and 2nd RACP availed by him which is in consonance with the judgment of the Odisha Administrative Tribunal, Cuttack Bench, Cuttack passed in O.A. No.1452(C) of 2017 and batch of cases decided on 26.02.2019 and the letter dtd.22.12.2021 issued by the Accountant General (A&E), Odisha, Bhubaneswar under **Annexure-6 Series** may be quashed granted to the petitioner.

- (b) any other order/orders or direction/directions may be issued so as to give complete relief to the petitioner.

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

4. It is submitted by learned counsel for the Petitioner that highlighting his grievance, Petitioner has filed a representation before the Chief District Medical & Public Health Officer, Nayagarh, Opposite Party No.3 (Annexure-6 series), on which, no decision has been taken as of now. Accordingly, a prayer has been made to direct the Opposite Party No.3 to dispose of the said representation expeditiously.

5. Considering the submissions made by the respective parties and the limited nature of grievance involved in the present writ petition, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.3 to consider the representation of the Petitioner dated 18.01.2022 (Annexure-6 series) 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 under Annexure-6 series shall be considered and disposed of by passing a speaking and reasoned order. Any decision taken on the same shall be communicated to the Petitioner within a period of two weeks thereafter.

6. With the above direction, the Writ Petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge