

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12537 of 2022

Prabhakar Jally

..... Petitioner
Mr.P.K.Mohapatra, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.06.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.
3. The Petitioner has filed the present writ application with the following prayer:

“It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to;

- i) Admit the writ petition;
- ii) Call for the records;
- iii) Issue Rule Nisi calling upon the Opposite Parties to show cause as to why the letter No.FIN-SMS-SS-0004-2017-27855/F. dated 04.10.2021 under Annexure-5 shall not be quashed and the pension and other post retirement dues as admissible shall not be paid to the Petitioner;
And if the Opposite Parties do not show cause or show insufficient cause the said rules may be made absolute;
And further be pleased to issue a writ/writs in nature of mandamus directing the Opposite Party No.1 to release the compassionate allowance as

permissible under Rule 46 of the Orissa Pension Rules, 1992 in the interest of justice;

And in the alternative direction may be issued to the Opposite Party No.1 to dispose of the representation under Annexure-6 within a time stipulation by passing a reasoned order;

And also further be pleased to pass any other order/order, direction/directions as would be deemed fit and proper under the circumstances;”

4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has submitted representation before the Principal Secretary to Government, Opposite Party No.1 under Annexures-6. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.1 to consider the representation of the Petitioner under Annexure-6 within a stipulated period of time.

5. Learned Additional Government Advocate submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.1, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.1 to consider the representation of the Petitioner under Annexure-6 in accordance with law within a period of two months from the date of production of certified copy of this order. The Opposite Party No.1 shall do well to dispose of the representation of the Petitioner under Annexure-6 by passing a speaking and reasoned order. The decision so taken on the representation of the Petitioner, shall be communicated to the

Petitioner within a period of two weeks 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

