

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13199 OF 2022

Rama Chandra Prusty

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

06.09.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the parties.

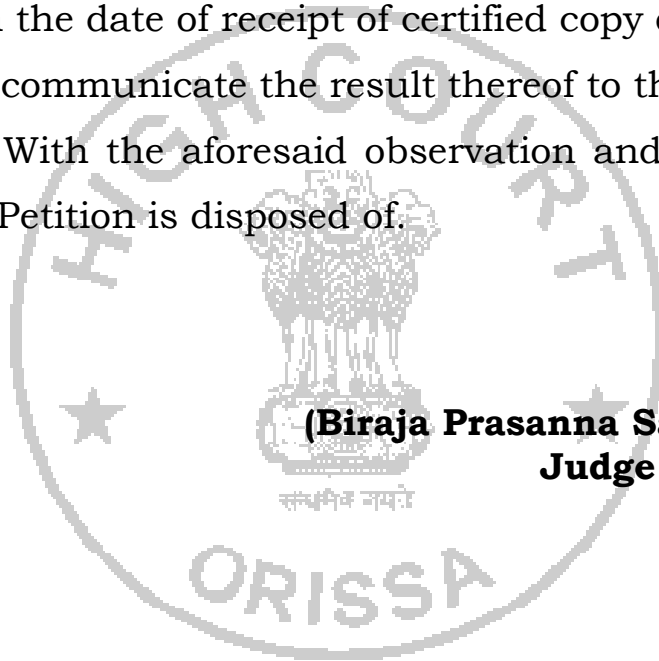
3. The petitioner has filed this writ petition with the following prayer:-

“to issue notice to the opp. parties to show as to why the pension and other retirement benefits of the petitioner shall not be re-fixed by regularizing his entire continuous and uninterrupted job contract period service i.e. from 3.2.1978 to 8.1.2014 on the basis of Finance Department Resolution dated 15.5.1997 (Annexure-5) and judgments of the Hon’ble Supreme Court rendered in the case of State of Karnataka v. Umadevi (2006) 4 SCC 1, State of Karnataka V. M.L. Kesari, (2010) 9 SCC 247 and Amarkant Rai v. State of Bihar (2015) 8 SCC 2654 and if the opp. parties fail to show cause or show insufficient cause, make the rule absolute and issue a writ of mandamus directing the opp. parties to re-fix the pension and other retirement benefits of the petitioner by regularizing his entire continuous and uninterrupted Job Contract period service i.e. from 3.2.1978 to 8.1.2014 on the basis of Finance Department Resolution dated 15.5.1997(Annexure-5) and judgments of the Hon’ble Supreme Court rendered in the case of State of Karnataka v. Umadevi (2006) 4 SCC 1, State of Karnataka V. M.L. Kesari, (2010) 9 SCC 247 and Amarkant Rai v. State of Bihar (2015) 8 SCC 265 and to pay all arrear dues as accruing therefrom to the petitioner with interest at the rate of 12% per annum within a stipulate dtime and may issue any other writ/writs, order/orders, direction/directions as to which this Hon’ble Court deem just and proper for ends of justice.”

4. The Petitioner has moved before Opposite Party No.3 seeking redressal of his grievances as made in the representation under Annexure-6 to the Writ Petition.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs Opposite Party No.3 to take a decision on the above noted representation of the petitioner, taking into account Annexure-6 in accordance with law within a period of three months from the date of receipt of certified copy of this order and communicate the result thereof to the Petitioner.

6. With the aforesaid observation and direction the Writ Petition is disposed of.



(Biraja Prasanna Satapathy)
Judge

sangita