

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13769 of 2022

Abhaya Kumar Malla

....

Petitioner

Mr. S.S. Jena, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.07.2022

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:

“Under the aforesaid facts and circumstances of the case, it is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue a writ of mandamus by directing the opp.parties to grant the petitioner EPF benefit from the date of his initial appointment i.e. w.e.f 01.7.1979 till his retirement

Further be pleased to direct the opp.party no.2 to 4 to contribute the employee share with employer’s share w.e.f. 21.3.1987 till 31.3.2021.

And further be pleased to direct the opp.parties to regularize the service of the petitioner with effect from the date of his initial appointment i.e. with effect from

1.7.1979.

And further be pleased to direct the opp.parties to disburse all the consequential and service benefits by regularizing his services with effect from 1.7.1979

Or pass such other order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 24.02.2022 under Annexure-4 before the Commissioner, Employees Provident Fund, Odisha, EPF Regional Office, Bhubaneswar-Opposite Party No.7, 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.

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 Commissioner, Employees Provident Fund, Odisha, EPF Regional Office, Bhubaneswar-Opposite Party No.7 to consider the representation of the petitioner dated 24.02.2022 under Annexure-4 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.

Jagabandhu

(A.K. Mohapatra)
Judge

