

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18716 of 2021

Pratap Kishore Muduli

....

Petitioner

Mr. S.B. Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.03.2022

Order No.

04.

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.

3. The present writ petition has been filed by the petitioner with the following prayer:-

- (i) To admit this writ application;
- (ii) To quash the order dtd.05.05.2021 issued by the Addl. Chief Secretary, Govt. of Odisha, Department of Forest & Environment;
- (iii) To direct the Opposite Parties more particularly Opp.Party No.1 (Secretary, Department of Forest and Environment to regularize the service of the petitioner in any suitable post according to his 35 years of experience and expertise in the

Department keeping in view the settled Principle of law rendered in the matter of Regularization by the Hon'ble Supreme Court reported in AIR 2013 (S.C.) 3547, 2014 (S.C.) Servicing Rullings-88 and A.I.R.-2018 S.C.-3589 pass appropriate order within a short time by looking ahead of the date of retirement.

4. It is submitted by learned counsel for the Petitioner that in the meantime, the Petitioner has been retired from his service on attaining age of superannuation and the Opposite Parties/authorities are not releasing the retirement benefits to him.

5. Further, it is submitted by learned counsel for the Petitioner that the Petitioner has been filed a representation before the Secretary, Department of Forest & Environment, Bhubaneswar-Opposite Party No.1 on 24.11.2020 under Annexure-5 but, the said Opposite Party has not considered the grievance of the Petitioner as of now.

6. Mr. P.C. Das, learned counsel for the State submits that he has no objection, if a direction is given to the Opposite Parties to consider the representation of the Petitioner within a stipulated period of time.

7. Having heard learned counsel for the parties, this Court disposes of the writ petition with a direction to the Petitioner to file a fresh representation before the Secretary, Department of Forest & Environment, Bhubaneswar-Opposite Party No.1 within a period of two weeks from today. In the event such a representation along with certified copy of this order is filed within the aforesaid period, the

same shall be considered in accordance with law and the same shall be disposed by passing a speaking and reasoned order within a period of two months from the date of filing of fresh representation. Any decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

8. With the aforesaid direction, the writ petition stands disposed of.

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

Jagabandhu

*(A.K. Mohapatra)
Judge*

