

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15507 of 2022

Bijay Kumar Behera

....

Petitioner

Mr. T.K. Nayak, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S.N. Pattanaik, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.06.2022

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 abovementioned facts and circumstances of the case, this Hon’ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ by directing the opp.parties to regularize the service of the petitioner as Casual Helper or against any Class-IV post with effect from the date of initial appointment in terms of decision of Hon’ble Apex Court in the case of Secretary, State of Karnataka vrs. Umadevi reported in Air 2006 Supreme Court 1806 and in the case of Smt. Mirapiri vrs. State of Odisha and others reported in 2007(II) OCR 533 and also in the case of Amarkant Rai vrs. State of Bihar reported in (2015) 8 SCC 265 and also in the case of State of Karnatak and others vrs. M.L. Keshari and others reported in AIR 2010 SC 2587.

And further prays for a direction from this Hon’ble Court to the Opp.parties to grant alla consequential and

service benefits.

And pass any other order/orders, direction/directions as would be deemed fit and proper in the present facts and circumstances of the case;”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 02.02.2022 under Annexure-1 before the Commissioner-cum-Secretary, Commerce and Transport Department, Bhubaneswar-Opposite Party No.1, 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-cum-Secretary, Commerce and Transport Department, Bhubaneswar-Opposite Party No.1 to consider the representation of the petitioner dated 02.02.2022 under Annexure-1 keeping in view the judgments of the Hon’ble Apex Court in the case of *Secretary, State of Karnataka vrs. Umadevi* ; reported in Air 2006 Supreme Court 1806 and in the case of *Smt. Mirapiri vrs. State of Odisha and others* ; reported in 2007(II) OCR 533 and also in the case of *Amarkant Rai vrs. State of Bihar* ; reported in (2015) 8 SCC 265 and also in the case of *State of Karnatak and others vrs. M.L. Keshari and others* ; reported in AIR 2010 SC 2587 in accordance

with law within a period of three 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.

(*A.K. Mohapatra*)
Judge



Jagabandhu