

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16670 of 2022

Prabodh Ku. Biswal

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
20.07.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“ Under the above exceptional facts and circumstances of the case, this Hon’ble Court may be graciously pleased to issue Rule NISI to the Opp. Parties calling upon them to show cause as to why:

- (i) *The service of the petitioner shall not be retrospectively and notionally regularized w.e.f. 01.07.1990 by counting the left out period towards the continuity of service for the purpose of pensionary and consequential terminal benefits;*
- (ii) *The Opp. Parties shall not be directed to extend similar benefits to the petitioner by modifying the orders under Annexures-2 and 3 in the light of the orders under Annexure-1 series by following the settled principles of law as laid down by the Apex court in the case of M.L. Kesari and in Amarkant Rai mentioned (supra) by*

following the mandates of Articles-14 and 16 of Constitution of India;

(iii) And/or any other order(s) as deemed fit and proper may be passed in the facts of the case;

If the Opp. Parties fails to show cause or show insufficient cause, the said Rule be made Absolute;

And for which act of kindness, the petitioner shall as in duty bound, ever pray."

4. Learned counsel for the Petitioner further submits that through highlighting his grievances, the petitioner has filed a representation on 27.07.2021 at Annexure-5 to the Writ Petition before the O.P. No.1, but till date nothing has been done in the matter. In such background, learned counsel for the Petitioner prays that a direction be issued to Opposite Party No.1 to take a decision on the above noted petition within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs Opposite Party No.1 to take a decision on the above noted petition in accordance with law within a period of three months from the date of receipt of this order and communicate the result of such exercise to the Petitioner.

6. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha