

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19711 of 2022

Muchipali Tavitay

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

02.09.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for Petitioner and learned counsel for the State-Opposite Parties.
3. The present Writ Petition has been filed with the following prayer:-

“(i) Under the above facts and circumstances it is humbly prayed that your Lordship’s would graciously be pleased to admit and all this petition, issue notice to O.P.s to file show cause as to why the service of the petitioner shall not be granted gratuity, retirement benefit, pension in revised scale of pay and other financial benefits after regularization of service from the date of his joining i.e., NMR w.e.f 17.03.1986 to 01.01.2004 or after completion of 10 years of service as per the similar employees like Nakula Naik case reported in 2017(I) OLR 293 & the case of Gajendra Pr. Behera vrs.-State of Odisha & Others reported in 2014 Suppl. (2) OLR 923 Chitta Ranjan Mallick & Others vrs. State of Odisha in W.P.(C) No.14432/2014.

If the O.P.s fail to show cause or show insufficient cause, the Rule NISI issued may be made absolute.

And further may kindly direct the O.P. No.1 and 2 to regularize the service of the petitioner counting the period after the completion of 10 years of uninterrupted service from 17.03.1986

the date of regularization with all sorts of financial benefits, as per the averments made in the representation dtd. 15.03.2022 keeping in view of the decision reported in Nakula Naik case reported in 2017(1) OLR 293 & the case of Gajendra Pr. Behera vrs. State of Odisha & others reported in 2014 Suppl. (2) OLR 923 and the decision reported in 71(1991) CLT 262 & so also in (2006) 4 SCC-1-Secy. Vrs. Uma Bharati Case for interest of justice”.

4. Learned counsel for the Petitioner submits that through highlighting his grievances, the petitioner has filed a representation on 15.03.2022 at Annexure-4 to the Writ Petition, before the opposite party No.2 but till date nothing has been done in the matter. In such background, he prays that a direction be issued to opposite party No.2 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.2 to take a decision on the above noted petition in accordance with law within a period of one month from the date of production of certified copy of this order and communicate the result of such exercise to the petitioner.

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

(Biraja Prasanna Satapathy)
Judge

Subrat