

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3433 of 2009

Ismile Khan

....

Petitioner

Mr. S. Behera, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

Mr. M. Balabanta Ray,

Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.02.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, learned counsel for the petitioner and Mr. M. Balabantray, learned Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to regularize the service of the petitioner in compliance of the award passed by the Industrial Tribunal.

4. Learned Standing Counsel states that the order of the tribunal has been complied with and, therefore, the writ petition has become infructuous, which has been disputed by Mr. S. Behera, learned counsel for the petitioner and contended that so far as regularization of service is concerned, the benefit has been extended to the petitioner. But so far as the claim with regard to grant of pensionary benefit is concerned, the same is still survives. It is contended that this matter may be disposed of permitting the petitioner to pursue

the remedy before the appropriate forum by filing a fresh representation claiming the pensionary benefits, which shall be considered by the authority in accordance with law.

5. As agreed by learned counsel for the parties, without expressing any opinion on the merits of the case, this writ petition stands disposed of with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh comprehensive representation before the authority within fifteen days hence, the same shall be considered by the said authority by passing a speaking and reasoned order, as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with certified copy of this order.

Issue urgent certified copy as per rules.

Ashok

(Dr. B.R. Sarangi)
Judge

