

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.30737 Of 2021
(Through hybrid mode)**

All Orissa Contractors Association, Petitioner
BBSR

Mr. J.K. Mohapatra, Advocate

-versus-

State of Odisha Opposite Party

Ms. S. Patnaik, AGA

CORAM: JUSTICE ARINDAM SINHA

Order
No.
5.

ORDER
15.07.2022

1. Mr. Mohapatra, learned advocate appears on behalf of petitioner association in this specially assigned writ petition. He submits, there was direction in his client's earlier writ petition (W.P.(C) no.4857 of 2021) on order dated 8th June, 2021 for dealing with grievance petition of his client. He refers to communication dated 4th August, 2021 enclosing order dated 2nd July, 2021 made by Principal Secretary to Government. He submits, there be interference as, in effect, his client's representation was not duly dealt with.

2. Ms. Pattnaik, learned advocate, Additional Government Advocate appears on behalf of State and submits, constitution of the board was duly made and accordingly petitioner's grievance, dealt with.

3. Two paragraphs from impugned order are extracted and reproduced below.

“And whereas, the earlier representation received from the petitioner has already been considered at the Government level and it was decided that, their demand can not be considered at this stage since the Board has already been reconstituted following the due procedure.

However the petitioner is advised to make fresh representation before the Board at appropriate time for consideration.”

4. It is clear that there was non-application of mind. On the one hand the authority says that earlier representation was received and had been considered at Government level and on the other there was advise to make fresh representation before the Board at appropriate time for consideration. The order is silent about appropriate time. Grievance of petitioner is on constitution of the Board itself. As such it does not make sense.

5. Impugned order is set aside and quashed. State, through its appropriate functionary, will revisit petitioner's representation, copy of which is annexure-3 in W.P.(C) no.4857 of 2021, disposed of by order dated 8th June, 2021. This must be done within three weeks of communication.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

