

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 26130 of 2022

M/s K.K. Construction, Cuttack

Petitioner

Mr. A. Pattnaik, Advocate

Vs.

State of Odisha and others

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

13.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Pattanaik, learned for the Petitioner and Mr. A. K. Mishra, learned Additional Government Advocate.

3. The Petitioner has filed this Writ Petition seeking direction to Opposite Party No. 6 to reimburse the enhanced differential amount of minimum wages, as enhanced from Annexure-2 on the basis of the formula given under Annexure-3 and in view of the Judgment of this Court passed in *Mahesh Prasad Mishra v. State of Orissa*, 2012 (Suppl.-I) OLR 1035 under Annexure-4 in respect of the Tender Work for “Construction of Road and CD and Maintenance works under Pradhan Mantri Gram Sadak Yojana (P.M.G.S.Y, Batch-III) for the package No-OR-27-371/B-III & OR-27-LB-21/B-III (2017-18) and routine maintenance for five years after completion of construction, in the District of Rayagada (Name of works: (1) Belamguda to Andharilima Road (2) H.L. Bridge over Bansadhara at 15.55th K.M.), vide agreement No.-48-PMGSY-B-III/2018-19” or in alternative, Opposite Party No.-6 i.e. Superintending Engineer, Rural

Works Division, Gunupur, may be directed to dispose of the Representation dated 07.09.2022 under Annexure-5 within a stipulated period.

4. In course of hearing, learned Counsel for the Petitioner states that the Petitioner has already made Representation before Opposite Party No.6-Superintending Engineer, Rural Works Division, Gunupur vide Annexure-5, and the same may be directed to be disposed of within a stipulated time taking into consideration the ratio decided by this Court in ***Mahesh Prasad Mishra*** (supra) vide Annexure-4, to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.6 to consider and dispose of the Representation filed by the Petitioner vide Annexure-5 and pass appropriate Order taking into consideration the ratio decided by this Court in ***Mahesh Prasad Mishra*** (supra) under Annexure-4 as early as possible preferably within a period of three months from the date of production of certified copy of this Order.

6. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Arun/ Kishore

(G. SATAPATHY)
JUDGE