

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26293 of 2022

Prabir Kumar Muduli

....

Petitioner

Mr.Brahmananda Tripathy, Advocate

-versus-

***Chairman-cum-MD, Food
Corporation of India, New Delhi &
others***

....

Opposite Parties

Mr. Amit Patnaik, Advocate.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.11.2022

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 appearing for the Opposite Parties.
3. The writ petition has been filed with the following prayer:

“It is therefore, respectfully prayed that this Hon’ble Court may graciously be pleased to admit the Writ Petition, issue notice to the opposite parties calling upon them to show cause as to why the Date of Birth of the Petitioner shall not be corrected as 27.04.1972 in place of 05.08.1966 and as to why his service record shall not be regularized after compliance of the UAN and KYC in order to release the monthly salary of the Petitioner with all his arrear dues, if the opposite parties failed to show cause or show insufficient cause the writ petition may be allowed in favour of the petitioner and the opposite parties may be directed to regularize the service record of the petitioner after correcting his Date of Birth within the stipulated time fixed by this Hon’ble Court and to pass any other appropriate order or orders, writ or writs, direction/directions as may deem fit and proper in the eye of law.”

4. It is submitted by the learned counsel for the Petitioner that he has submitted a representation before the Opposite Party authority for correction of his date of birth, but the same has not been considered till date and pending before the authority. It is further submitted that similar applications made by the similarly placed employees have been entertained by the authority. It is further submitted by the learned counsel for the Petitioner that without taking a decision on the representation of the Petitioner which is supported by documentary evidence, the Divisional Manager of the Opposite Party-Corporation has written a letter to the General Manager, Food Corporation of India, Bhubaneswar to stop the salary of the present Petitioner.

5. Learned counsel appearing for the Food Corporation of India submits that since the issue is pending before the competent authority in shape of representation filed by the Petitioner, let the authority shall take a decision in the matter and pass a reasoned order within a stipulated period of time.

6. Having heard learned counsel for the respective parties the writ application is disposed of directing the Opposite Party No.3 to consider the representation of the Petitioner dated 13.07.2022 under Annexure-11 within a period of six weeks from the date of production of certified copy of this order. It is further directed that the Opposite Party No.3 shall consider the representation of the Petitioner in accordance with law/Rules and pass a reasoned and speaking order while disposing of the representation Further it is directed that till a decision is taken on the representation of the Petitioner by the authority, Annexure-10 shall not be given effect to for a period of four weeks. The decision so taken shall be intimated to the Petitioner within two weeks thereafter.

7. It is further directed that till a decision is taken on the representation of the Petitioner, the salary of the Petitioner shall not be withheld.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

