

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26737 of 2022

Gagan Bihari Samantray

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.10.2022

Order No

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

“direction be given to the opp. parties to bring over the petitioner to the Work Charged Establishment w.e.f 1.3.2009 as the similarly situated NMR were brought over to work charged establishment w.e.f 1.3.2009.

And give a direction to the opp. parties to extend all service and financial benefits w.e.f 1.3.2009 to the petitioner in the Work Charged Establishment and accordingly the arrear differential pay be disbursed to him in the light of judgment passed in O.A. No.3262(C) of 2014 allowed on 25.4.2017 which has been confirmed by the Hon’ble High Court in WP (C) No.24361 of 2017 on 18.5.2018 and Hon’ble Supreme Court in SLP No.11066 of 2020 on 13.7.2020 and the

arrear dues be paid to him within a stipulated period.”

4. Taking into account the submissions made, the Petitioner is permitted to make fresh representation before Opp. party No.1 in that regard within a period of two weeks from today.

5. It is observed that if such representation is filed by the Petitioner ventilating his grievances, the same shall be considered by Opp. party No.1 in accordance with law within a period of three months from the date of receipt of such representation.

6. It is also observed that while considering the claim of the Petitioner, the relevancy and effect of the order passed by the learned Tribunal in O.A.(C) No.3262 of 2014 and batch, confirmed by this Court as well as the Hon'ble Apex Court be taken into consideration.

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

(Biraja Prasanna Satapathy)
Judge

Debasis