

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26960 of 2022

Niranjan Nayak

....

Petitioner

Mr. A.C. Mohanty, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “It is, therefore, prayed that this Hon’ble Court may graciously be pleased to:-
- Issue Rule Nisi calling upon the Opposite Parties to show cause as to:-
- i) Why the impugned order dated 25.11.2016 directing recovery shall not be quashed and directing to grant GP Rs.5400/- towards second up gradation and GP Rs.6600/- towards third financial up gradation to recompensate with a further direction to refund the amount or Rs.1,14,198/- recovered on the basis of order dated 24.11.2016;
- ii) If the Opposite Parties fail to show cause or show insufficient cause the Rule be made absolute and as to why a specific direction shall not be issued to the Opposite Parties to grant GP Rs.5400/-

towards second up gradation and GP Rs.6600/- towards third financial up gradation as to recompensate with a further direction to refund the amount of Rs.1,14,198/- recovered on the basis of order dated 24.11.2016 on the basis of principle already decided by this Hon'ble Court and to re-submit the received pension paper accordingly be directed to release all pension and pensionary benefits;

iii) And/or pass any other writ/writs, order/orders, direction/directions, as this Hon'ble Court fit and proper for the ends of justice.”

4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 25.04.2018 under Annexure-7 before the Additional Director General of Police, Human Rights Protection Cell, Cuttack-Opposite Party No.3, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, the limited nature of grievance involved in the present writ petition, keeping in view the case of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Additional Director General of Police, Human Rights Protection Cell, Cuttack - Opposite Party No.3 to consider the representation of the petitioner dated 25.04.2018 under Annexure-7 in accordance with law within a period of eight weeks from the date of production of certified copy of this order. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation

shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

